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## Evaluation of the Use of Home Detention Curfew and the Open Prison Estate in Scotland

# **EVALUATION OF THE USE OF HOME DETENTION CURFEW AND THE OPEN PRISON ESTATE IN SCOTLAND**

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## **EXECUTIVE SUMMARY**

### **Background and Aims**

Home Detention Curfew (HDC) came into use in Scotland in 2006 and allows prisoners, mainly on shorter sentences, to serve up to a quarter of their sentence (for a maximum of six months and a minimum of two weeks) on licence in the community, while wearing an electronic tag. Open prisons have been in existence much longer, and are facilities without the secure perimeter fences of traditional, 'closed' prisons, and allow prisoners to gradually take on the responsibility of freedom through home leaves and other activities.

The research evaluates the effectiveness of HDC and the prison system's Open Estate in terms of their ability to 'improve the management of offenders' and facilitate their 'reintegration into the community', specifically by: (1) Investigating the implementation process and associated costs and benefits of the HDC scheme and open prison, and, (2) Developing an in-depth understanding of factors which may impact on effectiveness of the schemes. The research focused on the period when people were on an HDC licence or in open prison, and does not include analysis of the period after a person returns to full liberty.

### **Methodology and Research Design**

The research employs a mixed methods approach, and there are three main elements of the study: a statistical analysis of patterns of use and outcome for HDC and open prisons; qualitative research on the administrative process and experience of the schemes; and an analysis of the costs and savings respectively of HDC and open prisons. The relevant study period of statistical data collection for HDC and open prisons is July 2006 – March 2010.

The main activity of the qualitative research was interviews and meetings with, primarily, those directly involved in HDC or open prisons. For HDC, we interviewed SPS staff involved in administering HDC at all Scottish penal establishments making use of the scheme, and criminal justice social workers in three areas. The research strategy for open prison involved meetings and interviews with prisoners, senior managers and front line workers, as well as site visits.

For assessment of costs and benefits, we collected data from and interviewed SPS, Scottish Government and Serco staff to aggregate costs for HDC and open prison processes.

### **The Context of HDC and Open Prison**

Schemes of conditional liberty, like HDC and open prison, operate in a highly politicised context. They are intended to support a prisoner's transition out of prison by controlled

access to the community, but are subject to concerns about public safety and the transparency of sentencing when people are granted 'early' release. At the same time, prisoners and their families may assert their rights to be considered for such schemes. In addition to all of this, HDC and open prison in Scotland are operating against a backdrop of increasing prison overcrowding, which results in a re-focus away from a reintegration function and toward a population management one.

## **Evaluation of Home Detention Curfew (HDC)**

### ***Use of HDC***

Since it was introduced in 2006, use of HDC has grown steadily. Between July 2006 and March 2010, 7,292 (45% of those considered for HDC) prisoners were released on an HDC licence. Over three-quarters of these prisoners (77%) successfully completed their period on HDC. The average daily population on HDC between 2006 and 2010 was 331, and the vast majority of those on HDC (93.7%) were on it for the first time.

### ***Profile of Population on HDC***

The age profile and gender balance of the population on HDC is broadly similar to that of the overall prison population, and fluctuations in use of HDC appear to have followed fluctuations in the prison population overall. There is slightly more use, proportionately, of HDC for women than men.

Prisoners released on HDC are generally serving short sentences of six months up to less than two years; only 5% of those given an HDC licence were serving sentences of three years or longer. However, those on very short sentences rarely receive HDC: between 2006 and 2010, only 46 HDC licences were granted to those serving three months or less.

The offending profile of those on HDC tends to be less serious than for the prison population as a whole (violent offences accounted for 37% of the prison population's main offence on a one day snapshot in 2008 compared to 19% of the HDC population). Drug-related crimes (23%), crimes of violence (19%), dishonesty offences (18%) miscellaneous offences (16%) and motor vehicle offences (12%) were the most common offence categories of those on HDC.

### ***Recalls***

The overall recall rate for HDC was 21%. Older prisoners, those on shorter sentences and those in prison on violent or drugs offences had lower rates of recall than the overall average. There are also establishment differences in recall, ranging from nearly 30% at one prison to a low of just over 10% at another establishment. Some of this variance, but not all, can be explained by different population profiles at the different penal establishments. Up to a point, the longer someone is on an HDC licence, the

more likely they are to be recalled; after being on a licence for 130 days, the likelihood of being recalled goes down.

The most common reason for being recalled is for failure to comply with the technical conditions of the curfew rather than new offending. Being out of curfew for more than six hours (38% of all recalls) and breach of licence conditions (24%) accounted for most recall activity. New offending appears only rarely to be the cause of recall (7% recalled for a new warrant served).

### ***The HDC Decision Making Process***

HDC applications are processed by Unit Manager level staff in prison assisted by staff coordinators and administrators. Extensive record checks are conducted to establish a profile of an applicant's behaviour and risk profile, after which a community assessment may be requested, which generally is completed by community-based social workers who consider the suitability of the address where the prisoner proposes to stay. A further check of records is conducted prior to a final determination as to release or refusal of an application. Application decisions are reported to take on average five to six weeks, though, not uncommonly, can take longer.

### ***Interagency Coordination***

Responsibility for HDC decisions lies entirely with SPS; social workers conducting community assessments have no power to reject an application (or formally even submit a recommendation to release or not) and (unlike the police) are not systematically informed of release decisions. There was some dissatisfaction in two social work areas about the lack of involvement in decision making and in supervision of prisoners in the community; in one area community assessments were delegated to a bail enforcement unit and relationships were reported to be satisfactory. Relationships with police and Serco were reported by most SPS respondents to be positive.

### ***Risk Assessment***

The Prisoner Supervision System (PSS) serves as the first screen of the risk assessment process, and prisoners with a PSS level of high or medium will not be released on HDC. PSS is not designed to assess risk in the community, which was widely acknowledged, but this is the starting point for the risk assessment process. Some CJSW respondents expressed concern about this, questioning how well a process focused on assessing a person's behaviour in secure conditions would translate to predicting their risk outside of prison. SPS respondents, however, felt CJSW assessments tended to adopt a cautious approach to assessing risk – possibly as a result of such concerns.

## ***Perspectives of Families and Offenders***

An international review of literature shows that offenders and families who have experience of HDC strongly support its availability. Getting out of prison and having a family member back home were the main cited reasons. However, the condition of being on a curfew and required to be inside one's residence for 12 hours a day (as is the default period in Scotland) can create stress for both the released prisoner and their family. Sometimes family members reported feeling coerced to support a prisoner's application, and felt that they too were being punished. Having support during the period of release (e.g. from probation officers) that was available to families as well as prisoners was seen as helpful for dealing with stress and other issues.

## ***Purpose of HDC***

Respondents in the research mainly perceived the purpose of HDC as managing prison population pressure. Some expressed the belief or hope that HDC could also support reintegration of prisoners into their communities, often because of a conviction that being in the community rather than prison was a facilitator in itself of reintegration. Patterns of use of HDC by different establishments tends to support the view that HDC mainly functions to relieve crowding, as those prisons with the most crowded facilities also proportionally make the most use of this scheme.

## ***Factors Supporting Success on HDC***

Younger people have higher rates of recall and this prompted in one area a pilot in which multi-service support is offered to 16 and 17 year olds on HDC (Annex C). The fact that, generally, the longer someone is on HDC the more likely they are to be recalled suggests that support in the community might be able to attend to and prevent the causes of this happening. The finding of varying recall rates across penal establishments suggests there may be scope for improving the consistency of the administrative process.

## ***The Open Estate***

### ***Declining Use of Open Prison***

Over the 2006 to 2010 period analysed in this research, the Open Estate population peaked at 507 (there are a maximum of 425 prisoner places) in the third quarter of 2007 and has been declining steadily to 234 prisoners in the first quarter of 2010.

### ***Profile of Population in Open Prison***

As the open prison population has declined, the profile of those on the Open Estate has also changed with higher proportions of older prisoners and those serving sentences of four years or more. This may reflect changing patterns in the transfer decisions being made in closed prisons, with less inclination to send younger prisoners and those on

short term sentences. Around a quarter of those admitted between mid 2008 and early 2010 were 41 years or older, compared to 18% in this age group between 2006 and 2008. Over 70% of those admitted in 2010 was serving a sentence of four years or more, compared with less than half in this sentence group of those admitted to open prison between 2006 and 2007.

### ***Absconds and Returns to Closed Conditions***

Although a couple of high profile absconds from the Open Estate have raised the profile of this issue, a statistical analysis of absconds shows this to be a relatively rare phenomenon. Over the 2006-2010 period, there was on average 4.4 absconds per quarter, though this rate is inflated by a concentration of absconds taking place during 2007 (also a year when the population was at or above its capacity). When prisoners did abscond they tended to do so soon after being transferred to open conditions, and over half of all absconds lasted a week or less. Data provided by the Open Estate showed that 82 of 350 prisoners who were transferred to open prison during 2009/10 eventually were returned to closed conditions, generally for breaching the rules of the prison or there being a concern about their risk of absconding.

### ***Factors of Success and Effectiveness of Open Prison***

Prisoner and staff respondents all expressed a strong belief about the value of the Open Estate as part of a system of progression from secure prison to full liberty. The generally low level of absconds is an important factor documenting compliance, and open prison appears to manage the abscond risk effectively partly through returns to closed conditions. Home leave was seen by prisoners as the major attraction and incentive of open prison. Prisoners noted that the availability of programmes and activities felt to be personally useful and applicable was not always maximised, and staff felt the work of open prison was not being fully recognised or adequately resourced. Both prisoners and staff respondents felt addressing individual needs which would support reintegration was sometimes subordinated to needs of the prison (e.g. to get prison jobs done, to fulfil centrally mandated goals for programme participation). The general view among respondents was that one year was probably the maximum length of time that could profitably be spent on the Open Estate.

### ***Costs and Savings of HDC and Open Prison***

The estimated weekly cost of keeping a person in prison is £610 (based on the 2009/10 annual prison place cost of £31,703). This compares to a weekly cost of £126 to manage someone on HDC (plus one-off costs of £702 for the purpose of assessing HDC applications preparing prisoners for release). Hence, a minimum period of two weeks on HDC represents a notional savings of £266 while a person on the maximum allowable period of six months represents a savings of £10,914. These cost savings are, however, maximised by the fact that HDC as it currently operates allocates no specific resources for support or supervision of prisoners while on release.

The cost of operating the Open Estate in 2009/10 was £8,210,484. If all 425 places were filled, the average cost per prisoner place in open prison would be £19,319, which is significantly cheaper than the overall average cost of a prisoner place of £31,703 for the prison estate overall. Currently operating under capacity with an average daily population in 2009/10 of 261, the cost per place in open prison rises to £31,458, assuming no changes to the staffing complement.

## **Areas for Development**

Four key areas for development for both HDC and open prison emerged from the research:

- *Reintegration*: the meaning of this should be clearly established to allow for monitoring of effectiveness. The typically short periods of time on HDC raises distinct reintegration issues and opportunities compared to open prison.
- *Managing Prison Populations*: Both open prison and HDC have been used to help manage pressure on the prison estate; use of HDC appears still to play a primary role in this function. It would be worth exploring how this use of conditional liberty schemes sits with their respective aims to facilitate management of offenders and community reintegration.
- *Interagency Coordination and Control*: Opportunities for collaboration and interagency coordination do not appear to be maximised for HDC or open prison, and this may undermine mutual trust and understanding which has material consequences on the patterns of use of both schemes.
- *Safety and Risk*: Serious incidents are rare for both HDC and open prison, and much attention is currently devoted to risk assessment. Still, there are issues about the role of the Prison Supervision System as part of HDC risk assessment, as well as concerns among some community-based social workers about a prison-based assessment process. Significantly reduced transfers to the Open Estate may partly be a function of screening out inappropriate candidates, but is likely also to be the consequence of a more cautious attitude to risk management following high profile absconds.

# **1. INTRODUCTION**

## **Background and Aims of the Research**

1.1 Home Detention Curfew (HDC) and open prison are two schemes which offer conditional liberty to prisoners. HDC came into use in Scotland in 2006 and allows short term prisoners, and long term prisoners who have been recommended for parole, to serve up to a quarter of their sentence (up to a maximum period of six months and a minimum period of two weeks) on licence in the community.<sup>1</sup> People released on this scheme have to comply with a set curfew and wear an electronic tag on their leg. Open prisons have been in existence much longer, and are facilities without the secure perimeter fences of traditional, 'closed' prisons, though prisoners are not free to come and go from the prison grounds as they please. Open prisons also offer prisoners the opportunity of home leave, where they can spend up to a week every month back in their home communities. Both HDC and open prisons have in common the designated aim of supporting the safe and effective transition of prisoners from a secure institutional environment to an open community.

1.2 In April 2008, when the maximum period for which a person could be on HDC was extended, Scottish Ministers undertook to review the impact of the scheme once HMP Addiewell was open and operating at full capacity. The Scottish Prisons Commission report (July 2008) also made recommendations about HDC, adding to the impetus to review its use.

1.3 In addition, subsequent to a high profile abscond from Castle Huntly open prison in May 2009, an independent review was undertaken of the decision to transfer the prisoner concerned to open conditions (Spencer, 2009). One of the recommendations of the review was that research be carried out to determine the benefits and efficacy of open prison.

1.4 The Government thus commissioned this research in March 2010 to evaluate the effectiveness of HDC and the prison system's Open Estate<sup>2</sup> in terms of their ability to 'improve the management of offenders' and facilitate their 'reintegration into the community' (Research Specification para. 3.1).

1.5 The specific terms of reference for this research (Research Specification para. 3.2) were to:

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<sup>1</sup> When first implemented in 2006, Home Detention Curfew was available only to short term prisoners (those on sentences under four years) and the maximum period on licence was set at 4.5 months; the maximum period on licence and expansion of the scheme to long term prisoners (those on sentences of four years or more) occurred in 2008 (see Scottish Government Criminal Justice Directorate Circular No JD 7/2008).

<sup>2</sup> 'Open Estate' and 'open prison' refers to Castle Huntly and Noranside, the two sites where open conditions apply. These were formerly designated as separate prisons, but were merged in 2007 into a single prison operating at two sites.

(1) Investigate the implementation process and associated costs and benefits of the HDC scheme and open prison, including,

- the historical profile of offenders released to HDC/transferred to open prison;
- critical incidents of the respective schemes (breaches, absconds, etc.);
- operational factors contributing to successful completion of HDC or a stay in open prison; and,
- costs associated with HDC and open prison and any offsetting savings or operational benefits.

(2) Develop an in-depth understanding of other factors which may impact on the effectiveness of the schemes, including,

- role and impact of HDC and open prisons for facilitating the offender's reintegration into the community (incorporating any factors identified from findings of (1) above);
- perceptions of other stakeholders, including justice system professionals and family members;
- decision making processes and collaborative working in HDC;
- assessment of the overall impact of HDC and open prison as contributing factors to longer term desistance.

1.6 The research design makes use of a mixed methods approach, discussed in detail in the next chapter and, as specified in the terms of the research, data comes from: the SPS management information system; interviews of key stakeholders; review of HDC processes and the open prison environment; and relevant international and Scottish research.

1.7 The terms of the research do not include systematic international comparisons in the use of HDC or open prison (though relevant research findings are included in the report where appropriate). The research is also limited to the period when people are participating in HDC or open prison, and does not include analysis of the period after a person returns to full liberty.

## **Organisation of the Report**

1.8 Originally, it was intended that the research design would consider HDC and the prison's Open Estate jointly as two different schemes under a similar aim – conditional liberty of prisoners. Early on in the work, however, it became apparent that HDC and the Open Estate, while indeed sharing certain aims and qualities, are fundamentally distinct operations which it would be impossible to join together in a single study. Detail and discussion of differences in their populations and patterns of use is presented in Chapter 3. The research design thus evolved separate approaches to studying HDC and the Open Estate, amounting nearly to two distinct sub-studies.

1.9 Chapter 2 describes the quantitative and qualitative approach taken to the study of HDC and the Open Estate. Following the overview of literature and use of both schemes in Chapter 3, Chapter 4 presents the analysis of HDC, and Chapter 5 presents



the analysis of the Open Estate. Chapter 6 assesses cost effectiveness issues. Finally, the report concludes in Chapter 7 by highlighting overarching themes which may provide guidance in identifying areas for development in a broader review of the two schemes.

## **2. METHODOLOGY AND RESEARCH DESIGN**

2.1 The research is designed to capture patterns of use of HDC and the Open Estate, and to explore quantitatively and qualitatively factors that affect successful participation in and safe operation of the two schemes.

2.2 The analysis focuses on the period when prisoners are subject to these constraints. This focus on practices and experiences during the period of conditional liberty seeks to identify factors that are relevant for supporting longer term desistance.

2.3 The research employs a mixed methods approach, and there are three main elements of the study: a statistical analysis of patterns of use and outcome for HDC and open prisons; qualitative research mainly involving interviews with key participants in these schemes; and an analysis of the costs and benefits respectively of HDC and open prison.

2.4 The relevant study period for statistical data collection for both HDC and open prison is from 2006 (Quarter 3, July-September) to 2010 (Quarter 1, January-March). This period covers the point from which HDC began to be used in Scotland. Open prisons have been in operation for much longer but the same period of data collection was used to assist comparison of the two schemes. Qualitative research focused on the contemporary experiences of interview participants.

### **Statistical Analysis**

2.6 The statistical analysis presented in this report has three main objectives. Firstly, it is intended to provide an overview of the use of HDC and the Open Estate in Scotland over recent years. This analysis seeks to document how much each scheme is used, the extent to which this level of use has changed over time, and the characteristics of the prisoners involved with each scheme. Second, beyond providing a description of the use and effects of the two schemes, it is intended that the statistical analysis will provide a context in which to consider the qualitative research which forms the other part of this report. In particular, it is intended that the qualitative element of the research will shed light on any apparent anomalies or patterns present within the data. Third, combined with the qualitative work presented in this report, the statistical analysis aims to offer an evaluative framework that suggests which factors are more or less salient in understanding patterns of use, and success, in the two schemes.

2.7 In addition to these objectives which have guided the research all along, a critical commentary is provided alongside the statistical results, which highlights the difficulties of using administrative data as a basis for understanding the operation of complex processes. This provides examples of where additional data collection and analysis might help to provide a more nuanced view of how HDC and the Open Estate operate within the wider context of Scottish prisons.

## **Datasets Analysed**

2.8 All of the statistical results presented in this report are based on data provided by the Justice Analytical Services Division (JASD) of Scottish Government. This data is, in turn, drawn from the Scottish Prisons Service Management Information System (PR2). The principle difference between the data held by JASD and the data held within PR2 is that while PR2 is used as a day to day management tool, the JASD data is explicitly intended for statistical analysis. To facilitate this, the data held by JASD is subject to a cleaning process. This is intended to ensure that any apparently unusual cases are genuine and not the result of issues such as errors with data entry. This cleaning process might lead to slight discrepancies between the data provided by JASD and the original data held on PR2. The data contained a wide range of information about the prisoners analysed in this study. Besides demographic information (such as a prisoner's age, gender, original conviction offence, and sentence length) this system records details of when a prisoner was transferred between different establishments, data which are useful for establishing which prisoners have attended the Open Estate during their sentence. With regards to HDC, details are held concerning whether a prisoner applied for a curfew based release, if this request was granted (including, where appropriate, details of why a request was refused), and whether a prisoner was recalled to custody during their time on HDC.

2.9 In principle, administrative data, such as those recorded by SPS, should provide a strong basis on which to map decision making, and understand the prevalence of particular events. However, several limitations should be borne in mind when considering the results presented. Administrative data are commonly coded and entered by a range of individuals whose interpretation of a given term or concept may vary depending on their experience or institutional location. It is therefore possible that any differences present within the data (either between establishments or over time) could be a result of differences in recording practices as well as reflecting genuine differences in decision making. In addition, administrative data cannot provide any insight into informal influences which may be related to prisoner outcomes. For instance, if prisons differ in the extent to which they encourage prisoners to apply for HDC, this could affect the comparability of data concerning the number of releases and refusals between establishments. Finally, because these data are not necessarily intended for use in research, they may lack detail which is useful for providing a substantive understanding of the patterns which appear. For instance, data on HDC refusals indicate a large increase in the number of refusals relating to concerns around prisoner supervision levels in the early part of 2008. However, beyond the basic classification of the reason for refusal, no detailed information is provided about each decision, and hence, it is hard to understand the dynamics which underpin, and may be used to explain, the pattern present within the data.

2.10 The process of extracting information for analysis was undertaken by JASD (in consultation with the research team) which provided anonymised data as a series of Microsoft Excel files. Reflecting the date when HDC was initially introduced within Scotland, data were extracted to cover all relevant Open Estate transfers and HDC

decisions between the beginning of July 2006 and the end of March 2010. This is the relevant study period for much of the statistical analysis. Six separate datasets<sup>3</sup>, each covering a different type of prisoner transfer or HDC decision, were analysed:

- Releases to HDC – included details of each prisoner release on an HDC licence during the period under investigation.
- Refusals to grant HDC (pre-process) – contained data on each decision recorded where a prisoner was refused HDC release due to statutory reasons, such as having been recalled to custody when previously on HDC licence.
- Refusals to grant HDC (in process) – contained data on each decision recorded where a prisoner was refused HDC release following an assessment by SPS, for instance because they failed a community assessment.
- Recalls from HDC – consisted of one record for each incidence of a prisoner being readmitted to custody while on an HDC licence. This data contained one variable which distinguished between prisoners who were voluntarily readmitted to custody, and those who were recalled due to breaking the terms of the HDC programme. An additional variable provided details of the specific reason which had caused a prisoner to be recalled.
- Transfers to open conditions – one record for each prisoner transfer between a closed establishment and the Open Estate during the study period.
- Absconds from open conditions – one record for each abscond from open conditions during the study period. These data include information about how long a prisoner was in the open conditions before absconding, and the length of each abscond.

2.11 In addition, a seventh data file was provided by SPS, covering a shorter period of time than the main study period (the last six months of 2008), and containing additional detail on each prisoner released on an HDC licence. This allowed us to perform a more detailed cohort analysis. For each prisoner recorded in this dataset, information was provided about the length of their HDC licence, whether their licence period was successfully completed, if they were recalled, how long into their licence the recall occurred, and the postcode of their registered home address. The latter of these pieces of information was used to analyse the nature of the localities to which those on HDC licences are commonly released.

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<sup>3</sup> Decisions over which variables to include in each dataset, and how each variable should be coded were made in consultation between the research team and the project Research Advisory Group. The research team are particularly grateful to Helen Biggar for her help and advice in this area.

## ***Statistical Methods Used***

2.12 The majority of analysis presented in this report is descriptive in nature. It is intended to provide an overview of the level of use of the two schemes, and provide a profile of the types of prisoners involved in each scheme. Results are commonly presented as either a count of a particular event (for instance, the total number of prisoners granted an HDC licence), or, as a percentage (for instance, what percentage of those granted HDC are male). In addition, certain figures are presented as ratios. This gives context to a particular indicator since larger prisons might be expected to release more prisoners (in absolute terms) on HDC.

2.13 The datasets used in the analysis, which include each decision recorded between July 2006 and the end of March 2010, can be considered to represent a total population (that is, they include all relevant decisions, rather than a sample of decisions). As such, any patterns within the data, or difference between groups of prisoners, can (subject to the limitations of using administrative data discussed above) be seen as representing genuine differences, and not attributable to random error caused by sampling.

2.14 It is important to remember that the presence of a difference between groups does not necessarily imply a causal relationship. For instance, a difference in the proportion of men and women granted HDC, might reflect a general difference between the genders, but could also reflect how men and women are likely to be convicted of different types of crime, and the likelihood of acceptance to HDC will vary between prisoners with different criminal records.<sup>4</sup> Differences shown within the quantitative data therefore highlight areas which can be considered alongside the qualitative data collected as part of this study.

2.15 As mentioned above, one of the data files provided by SPS included a sample of those released on HDC (the sample consisted of all those released in the second half of 2008). Although the analysis of these data was again essentially descriptive, the techniques used varied from the ratios and tables used to analyse the datasets discussed above. These are described in the relevant sections.

2.16 The postcode information provided for the sample of HDC releases in 2008 was used to link prisoners' home addresses to the Scottish Index of Multiple Deprivation to assess the relationship between the level of HDC releases in an area with deprivation levels.

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<sup>4</sup> Other statistical methods can potentially be used to associate a particular outcome (for instance, release on HDC) with a range of explanatory factors (for instance, a prisoner's age and gender). However, the data used in this study does not necessarily meet the assumptions of these methods, for instance, the data contain very few examples of prisoners granted HDC who have committed certain types of crime. These methods were therefore not pursued.

## **Qualitative Analysis**

2.17 The qualitative strand has, like the statistical analysis, the aim of mapping the processes and outcomes of HDC and open prisons. In addition, however, it offers the opportunity to gather information and perspectives by those involved in the schemes which can help explain and add depth to findings of the statistical analysis.

2.18 The main activity of the qualitative research was interviews and meetings with, primarily, those directly involved in HDC or open prisons. In addition, site visits and written material provided to the researchers informed the analysis.

2.19 The Spencer Report (2009) focused particularly on the transfer process to open prison and risk assessment and management procedures related to this, and the Government published its official response in 2010 (Scottish Government, 2010). The Government response largely accepted Spencer's findings and the Scottish Prison Service has since implemented or begun to implement many of its recommendations. This research focuses mainly on the experience once prisoners have already been transferred, considering the nature of the regime and opportunities to prepare for release and eventual reintegration.

### ***Home Detention Curfew (HDC)***

2.20 There were two main paths of action in studying HDC. First, we spoke or met with SPS staff (referred to generically as offender managers) involved in HDC administration at all Scottish penal establishments making use of HDC (Aberdeen, Addiewell, Barlinnie, Cornton Vale, Dumfries, Edinburgh, Glenochil, Greenock, Inverness, Kilmarnock, Open Estate, Perth, and Polmont), plus the contractor running the scheme (Serco). Second, we focused in on three prisons and areas with particularly salient HDC populations or patterns of use (HMP Barlinnie/Glasgow, HMP Inverness/Highlands and HMP Cornton Vale/Stirling). For these prisons and areas, we additionally spoke with Criminal Justice Social Work staff located in the area of the prison. In addition to these primary research activities we also spoke with other stakeholders and conducted a literature review of research on family and offender perspectives of HDC.

2.21 *Offender Managers in all prisons.* Offender managers include those directly responsible for administering or decision making on HDC. Generally an SPS Unit Manager (or the Controller in the private prisons of Addiewell and Kilmarnock) has oversight responsibility, assisted by additional SPS staff and administrators. Interviews lasted between 30 minutes to over an hour and were mainly with individual Unit Managers or their deputies, but in one case we spoke with an administrator, and in two cases we met with the overall HDC coordination team. Topics covered in interviews included:

- A walk-through of the HDC assessment, release and recall process at each prison
- Timing and quality of community assessments
- Views on coordination and relationships with other stakeholders
- Views on purpose and effectiveness of HDC and other general comments

*2.22 Criminal Justice Social Work in three key areas.* After SPS and Serco, CJSW plays the largest role on HDC, assessing the suitability of the address to which a prisoner is to be released. Rather than a general survey of CJSW staff we targeted interviews with social workers in three areas in which prisons with interesting issues or patterns of use were identified. Barlinnie is the biggest Scottish prison, in an urban location and has the most HDC releases. Inverness is a small prison in a rural area with a highly dispersed resident population, and where there is frequent use of HDC. Cornton Vale is Scotland's only dedicated women's prison, and was seen as important given the slightly higher proportionate use of HDC for females compared to males (though Stirling CJSW handles and was asked about use of HDC with men as well, just as Cornton Vale returns women to all parts of Scotland).

*2.23 Criminal Justice Social Work interviews* involved face to face meetings, group meetings and telephone interviews ranging in length from 30 minutes to over two hours. Key topics for interview questions were:

- General role with regards to HDC
- Community assessments – a walk through of the process, adequacy of the form and challenges
- Relationships with key agencies, particularly SPS
- Role in monitoring or support of those on HDC
- General comments about purpose or effectiveness of HDC

*2.24 Other Stakeholders.* Other groups are likely to have views and knowledge of HDC, and we spoke with a CJA Chief Officer, who volunteered to be interviewed as a representative of the CJA position generally, as well as other stakeholders (summarised in the activities table below).

*2.25 Literature on offender and family perspectives of HDC.* Initially, the research team intended to interview some offenders and families with experience of HDC (either two case studies or four interviews each of family and offenders). This was readjusted in favour of shifting resources to conduct interviews of offenders on the Open Estate and for HDC, drawing on the international research of family and offender experience of HDC and similar schemes. There were a number of reasons for this. One primary reason was that it became clear early in the research that the statistical evidence on the Open Estate was much more limited than for HDC. As a result it was determined that developing a picture of the activities and outcomes of the Open Estate would benefit from additional qualitative work. In addition, it was felt that the limited number of

interviews planned of families and offenders on HDC would not produce an adequately rigorous basis for making findings as to the success or failures of the scheme, in any case. Finally, it was also felt that the large and growing literature documenting family and offender experiences of HDC, and similar electronically monitored curfews, has established the main issues for these groups, and the interviews planned as part of this research were unlikely to raise novel concerns.

### ***Open Estate***

2.26 The research evaluates open prison as it works in the SPS' Open Estate. This excludes the so-called 'top end facilities' which operate at other prisons and provide some similar aspects of a regime focused on the transition of male prisoners back to communities. Research on open prisons, in Scotland and elsewhere, focuses almost exclusively on male prisoners. This is largely true of the current research, though we did speak with SPS staff about the Independent Living Unit at the women's prison Cornton Vale (which is analogous to the male Open Estate) as well as the Community Integration Units for Women in Aberdeen and Inverness; we did not visit or interview staff in these units, however.

2.27 The Open Estate consists of one prison operating out of two sites: Castle Huntly (which is also the administrative base) and Noranside.<sup>5</sup> Unlike HDC, which is delivered across the country, the Open Estate is located in one area. The research strategy here mainly involved site visits and tours of the two open prison sites as well as meetings and interviews with prisoners, senior managers and various front line workers (summarised in the table below). In addition we spoke with external stakeholders about their perspectives of the purposes, challenges and strengths of the Open Estate.

2.28 *Prisoners.* As noted, the number of planned interviews was increased from the original proposal in order to maximise information on the perspectives of this group. Researchers interviewed prisoners at Castle Huntly and Noranside, after circulating an information sheet requesting participation. Interviews were scheduled by SPS staff and lasted between 30 and 60 minutes. Topics guiding interview questions were:

- The process of transferring to open conditions
- Experience in open conditions including activities while in prison and home leaves
- Release preparation and planning
- General comments about the benefits and challenges of open prison

2.29 *Prison-based staff.* Informal meetings were held with senior managers during both site visits. The main interviews were of front line staff, mainly SPS personnel (placement officers, training coordinators, offender outcome managers) and prison-based social workers. Topics guiding interview questions were:

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<sup>5</sup> Castle Huntly and Noranside were separate prisons until they merged in 2007.



- Role on the Open Estate and kind of interaction with prisoners
- Release preparation and activities
- Ideal amount of time to be in open conditions to support successful transition to life in the community
- General comments about challenges and strengths of open prison

2.30 *Other activities.* Two site visits were made to the Open Estate between May and September, the first to meet initially with staff and managers and tour the sites. During the visits some key processes were observed, such as return of a busload of prisoners from home leave. The bulk of interviews were conducted during the second site visit, during which the researchers were supplied with information from prisoners and staff. This material further informed the researcher's sense of life in open prison, and included the following:

- list of placements at Castle Huntly (provided in Annex D)
- leaflet on the Independent Living Unit at Noranside
- dossier of materials about prisoner concerns about the Open Estate regime, prepared by prisoners
- written statement from a prisoner about the experience in open prison
- booklet by prisoners for prisoners about to move or recently moved to the Open Estate, prepared in consultation with the Castle Huntly education department

Activity	HDC	Open Estate
<b>INTERVIEWS &amp; MEETINGS</b>		
<b>Offenders</b>	--	Castle Huntly (7) Noranside (6)
<b>Offender Managers</b>	SPS HDC managers or staff (13) CJSW Area 1 (1) CJSW Area 2 (4) CJSW Area 3 (2)	Placement workers (3) Education worker (1) Offender outcome managers (4) Other managers (4) Prison social workers (5) Cornton Vale ILU staff (1)
<b>Stakeholders</b>	CJA (1) Scottish Government (1) Family support group (1) Includem (1)	CJA (1) Scottish Government (1)
<b>Other</b>	Families Outside statistical analysis Includem mid-year report on HDC	Site visits and informal meetings Written statements from prisoners (2) Literature from prisoners and staff

## **Cost Analysis**

2.31 The aim of the cost analysis was to estimate the cost-effectiveness of HDC and open prison by:

- breaking down for each of these schemes the overall process of preparing for and administering the sentence, ascertaining the cost of each phase and aggregating the costs, and then
- estimating savings in terms of prison spaces not used as a result.

2.32 We collected data and interviewed SPS, Scottish Government and Serco staff to identify relevant aspects of costing HDC and open prison processes. Having a comprehensive understanding of what cost data is available and how it is stored has made clear that it would be difficult if not impossible to extract a stage by stage breakdown of costs for HDC and the Open Estate.

2.33 What can be done with available data is to provide information about aggregate costs of various aspects of the two schemes. Thus the analysis focuses on the questions of where does spending (on HDC or open prison) support success, and are there points where significant investment is not supporting success (or is even facilitating failure)? We have attempted to incorporate the costs not just of processing someone into an open prison but the cost of their stay while there. Finally, it is to be kept in mind that the analysis focuses on the costs to SPS, though there are costs to other agencies in some ancillary processes (e.g. the cost to police and courts of processing a new offence by someone on HDC).

### **3. HDC AND OPEN PRISON AS FORMS OF CONDITIONAL LIBERTY**

#### **Overview of Existing Research**

3.1 Home Detention Curfew (HDC) and open prison are both ways of graduating the process of prisoner release back into the community after a period of full custody. Graduating the process is believed to aid reintegration and re-engagement with people and places that the prisoner has been separated from for a period of time, and is usually assumed to be better than making a more abrupt transition between ‘custody’ and ‘liberty’. Increasingly, interest is being shown in the possible ways in which graduated release processes of different kinds (or of length and intensity) might affect desistance – the giving up of criminal activity – but there is a dearth of empirical research on how these might be connected (but see, for electronic monitoring, Marklund and Holmberg (2009); and, for open prisons, see Baumer et al. (2009) on Ireland, Cheliotis (2008) on Greece and Cid (2005) on Spain). A recent study by the Ministry of Justice (Marie, Moreton and Goncalves, 2011) showed that offenders who received HDC under the current provision were no more likely to engage in criminal behaviour when released from prison when compared to offenders with similar characteristics who were not eligible for early release on HDC. This was the case, even when controlling for the additional time that offenders on HDC are in the community, due to being released early. However, the research did not investigate whether the results would be similar for offenders who do not currently receive HDC.

3.2 Both open prisons and HDC give the offender a period of conditional liberty – a set of constraints which fall short of the full incapacitation entailed by incarceration in a mainstream prison. The idea is that such schemes prepare prisoners for full freedom by creating opportunities for the offender to respond ‘responsibly’ if s/he is to make it through to the end of the release period. In this regard, the Spencer Report (Spencer, 2009) refers to ‘the common purpose of HDC and the Open Estate’, stating that ‘testing prisoners in conditions that afford them increased freedom is a valuable means of helping offenders reintegrate with their families and communities’. The ‘common purpose’ is the reason why this research was commissioned to cover both these processes. While separate research exists on both open prisons and on home detention curfew, no research exists to our knowledge that treats them as having a ‘common purpose’ and compares and contrasts them as means of graduating the release from prison process.

3.3 Researching the common purpose of HDC and open prisons is complicated by the fact that for both, their ‘proper purpose’ of reintegration has been distorted by ‘prison population pressures’ (Scottish Prison Service, 2008a). It should also be noted that historically open prisons, regardless of how they have been used, have always triggered a certain amount of controversy and ambivalence (Jones et al., 1977).

3.4 What makes HDC additionally contentious is the fact that it is not just a process of graduated release from prison but a process of graduated *early* release which is held

in some quarters to be ‘fundamentally inconsistent with clarity and transparency in sentencing’ (Scottish Prisons Commission, 2008: 41).

3.5 The dual role of conditional liberty schemes – to assist a graduated transition to the community and to support safe management of the prison estate – entails that some uses of these schemes will appear to emphasise one purpose more than the other. Subjective perspectives about them therefore are likely to reflect this, with strong views that vary according to the scheme and particular use under review. In this research we aimed to gain a sense of these perspectives, but to balance them against empirical data of actual practice, in order to produce robust evidence about effective practice.

3.6 In the separate literatures covering open prisons and electronic monitoring, we are able to elicit some findings which are consistent across schemes. In one of the most comprehensive and methodologically rigorous meta-analyses on the use of early release from prison using electronic monitoring, Marklund and Holmberg (2009) tested the claim that it can have a positive effect on reducing reoffending. They found a statistically significant positive effect, but only when electronic monitoring was combined with other forms of support and monitoring.<sup>6</sup>

3.7 Research on open prisons in Scotland suggests that release from open conditions is associated with a decline in reoffending though the effect was mainly observed in the first year, raising questions about the role of transition planning, support and opportunities (Hancock and Raeside, 2009). The level of prisoner preparation for release and support of identified needs could substantially influence how well the individual subsequently copes with unrestricted liberty (Reid-Howie Associates, 2003). However, anecdotal reports suggest the mere existence of both forms of conditional liberty can create a sense of hope and therefore motivation for compliance (at least while on the order); the qualitative analysis presented in this report (see especially sections 4.5 and 4.6 for HDC, and section 5.2 for the Open Estate) would seem to confirm this impression.

## **Overview of Use**

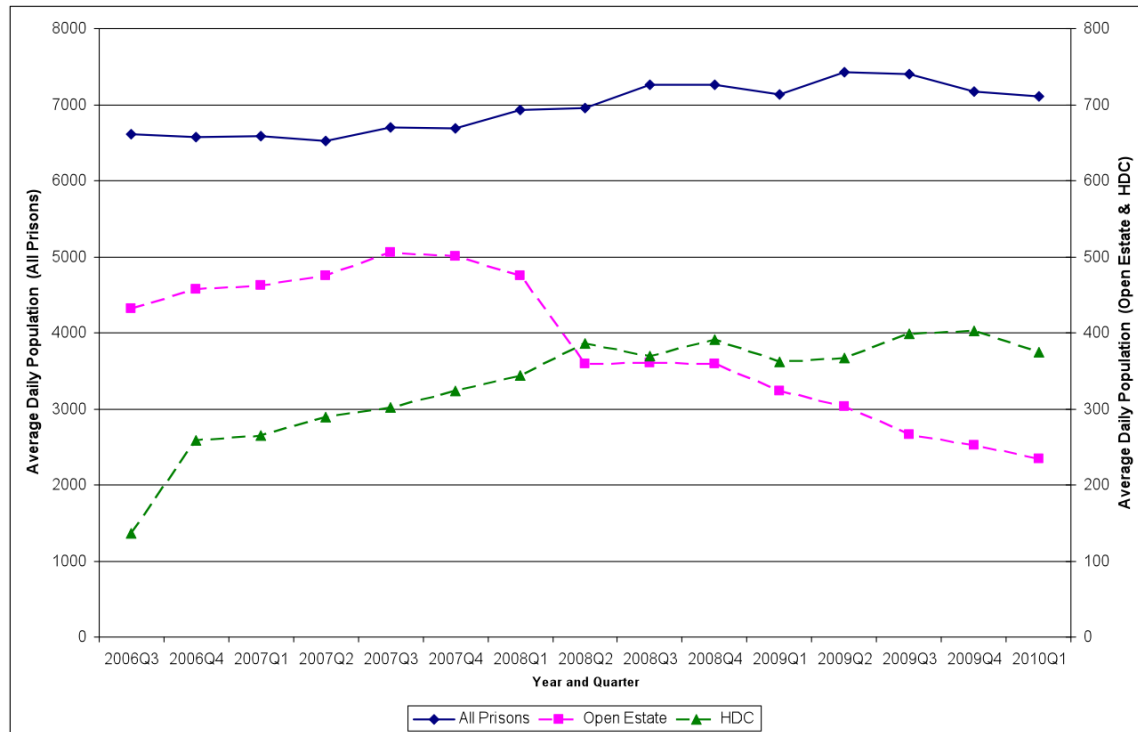
3.8 Once the research had commenced, it soon became apparent that it would be difficult to study these two schemes jointly. First, our initial statistical analysis showed that there are important differences not only in who the schemes were targeting, but also in their historical patterns of use over time. HDC, since its first use in 2006 to early 2010, tells a story of growth, whereas the Open Estate over the same period presents a story of declining population. Changes in the HDC population also appear to parallel closely those in the general prison population, while the Open Estate does not (Figure 3.1). Second, HDC and open prison have experienced changing patterns of use for different reasons. In this sub-section we discuss these factors which not only explain the decision to analyse the schemes separately but also provide some historical context for interpreting the findings in Chapters 4 and 5.

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<sup>6</sup> See Barry et al. (2007) for a comprehensive review of the history of and current use of electronic monitoring in Scotland.

3.9 Since its introduction in July 2006, use of HDC has increased steadily over time (Figure 3.1). The average daily population on HDC reached a high of 402 during the final quarter of 2009. This is approximately three times the average daily population of 136 in the third quarter of 2006 (when the scheme was first used).

**Figure 3.1: Average Daily Population on HDC and in the Open Estate 2006 to 2010**



3.10 In contrast to the growth of the population on HDC, use of the Open Estate has decreased markedly since it peaked at 507 (or 7% of the total prison population) in the third quarter of 2007 (Figure 3.1). A particularly steep decline can be identified in the early part of 2008. The average daily population in the Open Estate was 234 during the first quarter of 2010, at which point it represented just over 3% of the total prison population.

3.11 The difference between the use of the Open Estate and HDC, is apparent not only in their changing levels of use since the middle of 2006, but can also be seen in the types of prisoner who are involved in each scheme. Table 3.1 presents summary information on the age, main offence and sentence profile of those on the Open Estate and HDC respectively. The HDC population more closely resembles the profile of the overall prison population, while the Open Estate is very different with its focus on older prisoners serving longer sentences, often for violent crimes.

**Table 3.1: Comparison of Selected Variables of HDC and Open Prison Use, 2006-2010**

	HDC	Open Estate	Prison Overall
<i>Age</i>			
20 years and under	15%	7%	15%
21-40 years	69%	72%	70%
41 years and over	16%	21%	15%
<i>Main Offence Category</i>			
Other Crimes (incl. Drugs)	33%	36%	24%
Violence	18%	42%	12%
Dishonesty	18%	7%	27%
<i>Sentence Length</i>			
6 mos. to < 2 years	52%	9%	38%
4 years + (incl. lifers)	0.2%	54%	4%

HDC data refers to releases onto HDC; Open Estate data refers to transfers to open conditions; and, overall prison data refers to receptions to prison during 2008/09 (Scottish Government, 2009). Refer to Chapters 4 and 5 for tables showing complete category listings; these are selected variables to highlight points of comparison.

3.12 The differences in the profile of the HDC and Open Estate populations means that effective use of the schemes would involve different sorts of practices and interventions. For example, the problem of, and solutions to, reintegration are likely to be drastically different for someone in their mid 40s who has been away in prison for several years (a 'typical' open prisoner) compared to someone in their mid 20s returning home after a period of only several months in a local jail (a 'typical' HDC prisoner). This particular issue is picked up in Chapter 7 as well.

3.13 Finally, during the time period covered by datasets for the statistical analysis (2006 to 2010), the two schemes experienced exceptional and unrelated fluctuations. As we discuss at length in Chapter 4, there was a spike in the volume of HDC decisions and refusals around the middle of 2008. On the Open Estate, and discussed in Chapter 5, there were two notable events affecting population levels. First, there was a peak in population during 2007 (corresponding to a peak in population pressure in the prison estate overall), a period during which there was a much higher than average number of absconds. Then in 2008, there was a high profile abscond where a prisoner went on to commit a serious crime; following the prosecution of this prisoner, the open prison population began its steady decline. As a result, for any given information about 'average' features of the schemes there will be very different underlying features.

## 4. HOME DETENTION CURFEW

### Statistical Analysis of HDC

4.1 The statistical analysis considers three types of HDC decision: the decision to release a prisoner, the decision to refuse release, and the decision to recall a prisoner who is currently on an HDC licence. Table 4.1 provides a broad overview of these decisions and other relevant information for the period from July 2006 through March 2010, the time frame on which most of the statistical analysis is based. The base numbers used for the bulk of the analysis are presented in Annex A for reference.

**Table 4.1 Summary of Key Aspects of HDC Use in Scotland 2006-2010**

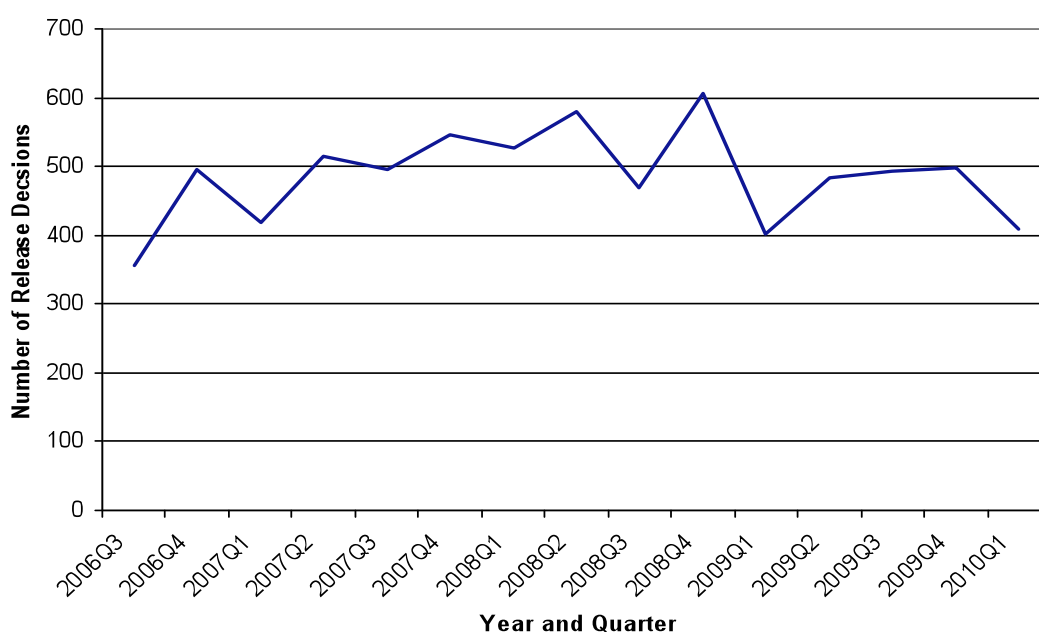
<b>HDC Decisions*</b>	<b>16,084</b>
<b>Releases</b>	<b>7,292</b>
<b>% released</b>	<b>45%</b>
<b>% licences successfully completed</b>	<b>77%</b>
<b>Recalled</b>	<b>1,567</b>
<b>Recalls as % of releases</b>	<b>21%</b>
<b>Average daily population on HDC</b>	<b>331</b>
<b>% HDC releases who are women</b>	<b>11%</b>
<b>% Total prison receptions of women (2008/09)</b>	<b>7%</b>
<b>Main Offence Types on HDC (vs. % in prison for these offences on 30 June 2008)</b>	
<b>Drugs</b>	<b>23% (14%)</b>
<b>Violence</b>	<b>19% (37%)</b>
<b>Dishonesty</b>	<b>18% (12%)</b>
<b>Misc. (incl. common assault, breach of the peace, etc.)</b>	<b>16% (9%)</b>
<b>Motor Vehicle</b>	<b>12% (3%)</b>

\*'Decisions' includes all 'in-process' refusals plus releases. By excluding some types of refusals, 'Decisions' is not exactly the same as all applications made to HDC. See paragraphs 4.10-4.13 for definitions of different types of refusals.

## HDC Releases

4.2 The number of HDC decisions to refuse or release, in other words the volume of HDC workload, has generally increased over time, reflecting the larger population of prisoners involved with the scheme. Figure 4.1 shows the number of prisoners released on HDC licences between July 2006 and the end of March 2010. In total, there were 7,292 separate releases during this time, with the vast majority of prisoners (93.7%) experiencing only one period on HDC. At the other extreme, one prisoner is recorded as having five separate episodes on HDC. Following initial growth following implementation of the scheme, releases on HDC were highest in the period between Quarter 2 of 2007 and the end of 2008. More recently, and perhaps reflecting the stabilisation of the prison population more generally, the number of decisions to release prisoners has fallen slightly, to a level comparable with the first half of 2007.

**Figure 4.1: Number of Prisoners Released on HDC 2006 to 2010**



4.3 The profile of those released on HDC to a large extent reflects the profile of the Scottish prison population more generally, which is mainly male and predominated by younger people (around 40% are in their 20s). Table 4.2 provides summary data on HDC releases. Male prisoners make up approximately 90% of those released on HDC, and approximately 60% of those granted HDC were age 30 or under, while less than one in five were aged 41 or over.

4.4 The offence profile of those on HDC tends, on average, to be less serious than that of the overall prison population (see Table 4.1). In addition, those released on HDC do not appear to be exclusively drawn from a small range of offences. Around one third of those released were originally convicted of offences which are recorded under the heading 'Other Crimes'. This group is dominated by those convicted of Drug-related Offences (who account for just under one quarter of all prisoners released on HDC).



**Table 4.2: HDC Releases 2006 to 2010, by Prisoner Gender, Age, Main Offence and Sentence Length**

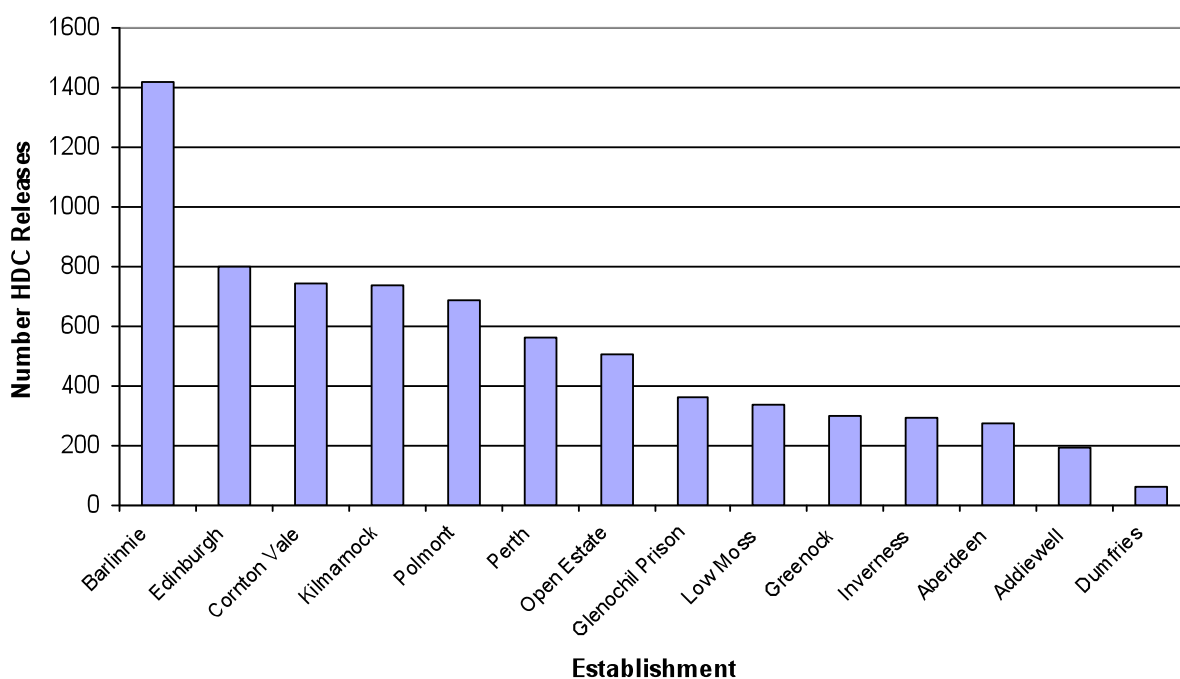
Prisoner Characteristic	Percentage of Prisoners Released on HDC
<i>Gender</i>	
Female	11.1
Male	88.8
<i>Age Group</i>	
20 and Under	15.3
21-30	43.6
31-40	25.1
41-50	12.0
51-60	3.5
61 and over	0.6
<i>Main Offence of Conviction</i>	
Crimes of Dishonesty	17.6
Crimes of Indecency	<0.1
Fire-raising, Vandalism etc	2.6
Motor Vehicle Offences	11.9
Non-Sexual Crimes of Violence	18.5
Other Crimes	33.5
Miscellaneous Offences	15.8
Other Jurisdiction Charge	<0.1
<i>Sentence Group on Release</i>	
< 6 Months	15.9
6 Months <12 Months	33.2
12 Months <18 Months	19.3
18 Months <24 Months	10.5
24 Months <36 Months	16.2
36 Months <48 Months	4.8
48 Months and Over (including lifers)	0.2

4.5 Prisoners released on HDC are generally serving short sentences, only 5% of those given an HDC licence were serving sentences of three years or longer. However, while those on sentences of less than six months make up around 15% of those accepted for HDC, only 46 prisoners on sentences of three months or less have ever participated in the scheme. Interview data suggest that the amount of time needed to process HDC applications will both discourage applicants serving this sentence length

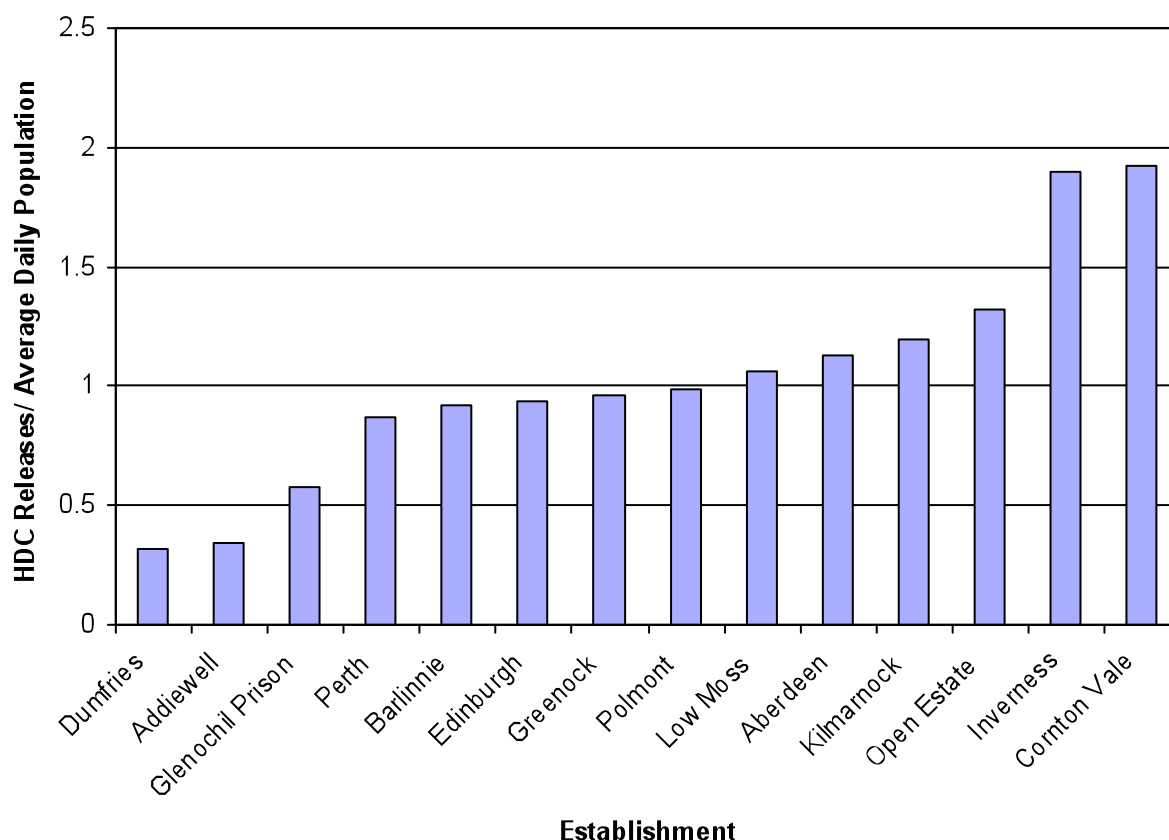
from applying, and make it difficult to complete timeously the applications of those that do (see section 4.3 for more discussion).

4.6 Figure 4.2 provides a snapshot of the total number of HDC releases by prison while Figure 4.3 shows the release rate by prison (releases in proportion to a prison's average daily population). The figures show first that, unsurprisingly, the largest establishments, which also have the largest pool of prisoners eligible for HDC (e.g. Barlinnie), make the most releases. However, Figure 4.3 shows that the number of HDC releases at a given prison establishment are not simply a function of how many people are eligible, and some of the smallest prisons (e.g. Inverness) are releasing, proportionately, the most prisoners.

**Figure 4.2: Total Number of HDC Releases 2006 to 2010, by Establishment\***



**Figure 4.3: Ratio of HDC Releases to Average Daily Population 2006 to 2010, by Establishment\***



\*There are no prisoner releases to HDC from Peterhead or Shotts Prison; figures for Open Estate include both Castle Huntly and Noranside where appropriate. Low Moss closed in 2007 and Addiewell Prison has only been in operation since late 2008.

4.7 The number of HDC releases from a particular prison is likely to be affected by a range of factors, such as the characteristics of its prisoners. For instance, it is not surprising that Glenochil's release rate is relatively low since it holds long term prisoners, and by far the greatest users of HDC are short term prisoners.<sup>7</sup> The higher release rates of Inverness and Aberdeen may be partly explained by the fact that, as suggested in interviews (see the qualitative analysis in section 4.2, and also Audit Scotland, 2008) these prisons have experienced higher than average levels of crowding. Finally, Cornton Vale, the women's prison, and the Open Estate both have higher than average levels of HDC releases. In the former case, this comports with usage patterns elsewhere (e.g. England and Wales) where women have higher rates of HDC release than men; in the latter case, it might be expected that the prisons which focus on supporting the transition of prisoners back to their communities would make greater use of all schemes of conditional liberty.

<sup>7</sup> Glenochil has operated as a facility for long term prisoners for only part of the period under review.

4.8 Prisoners granted HDC might be expected to place demands on the different agencies involved in CJA activities. Table 4.3 shows the number of releases to each Community Justice Authority (CJA) in Scotland, and creates a ratio of releases relative to the population size of each CJA. This shows that most CJAs are taking in similar proportions of prisoners (typically between 100 and 150 releases per 100,000 people). However, two CJAs, Glasgow and Southwest, are receiving considerably higher rates of releases (the analysis of releases by SIMD identifies some implications of this). In general, areas with relatively high rates of HDC releases are also the ones with high imprisonment rates.

**Table 4.3: HDC Releases 2006 to 2010 by Community Justice Authority Area**

Community Justice Authority	Total HDC Releases	Rate per 100,000 people*
Glasgow	1,293	219.7
Southwest	1,122	217.6
Tayside	569	142.4
Lanarkshire	845	132.6
Northern Strathclyde	779	124.6
Fife and Forth Valley	713	108.8
Lothian and Borders	998	106.3
Northern	855	102.5
Outwith Scotland/Address Unknown/No Fixed Abode	118	n/a

*\*Based on mid-year population estimates for 2009*

### ***Decisions to Refuse HDC***

4.9 The data presented in this section provide a profile of decisions to refuse HDC release during the study period (i.e. the third quarter of 2006 to the first quarter of 2010). As this analysis is based on formally recorded decisions, it makes no reference to any informal influences which might affect whether a prisoner applies for an HDC licence.

4.10 Decisions to refuse HDC licences can be made for several reasons and at different stages. When attempting to contextualise patterns of HDC release, certain types of refusals may be seen as forming a more appropriate basis for analysis. In particular, those refusals which are due to statutory rules about who is eligible for HDC or where a prisoner chooses to opt out of the HDC decision making process – in other words, those cases which are removed from the system before an assessment of individual suitability has begun – are excluded from analysis. To this end, for the analysis presented in this section, we have classified refusals into two broad groups, 'Pre-process' Refusals and 'In Process' Refusals.

4.11 Pre-process Refusals cover those due to:

- Prisoner Withdrawal/Application Form Not Returned
- Statutory Exclusions<sup>8</sup>
- Not Having a Scottish Address<sup>9</sup>
- Previous HDC Recall<sup>10</sup>
- Cases with High/Medium Supervision which Result in Refusal with Review

4.12 In contrast, In Process Refusals include:

- Cases with High/Medium Supervision which Result in Refusal Without Review
- Adverse Community Assessment
- Outstanding Warrants
- Failed Risk assessment
- Other Reason for Refusal

4.13 For the most part, this distinction appears relatively clear-cut with refusal reasons such as Statutory Exclusions, being ineligible due to a previous HDC recall, and the prisoner withdrawing from the system being clearly distinct from reasons which can be seen as part of the assessment of a prisoner's application for HDC. The classification of refusals due to concerns about prisoners requiring High or Medium Supervision is more complicated, however. Prisoners rejected due to concerns around supervision level can be refused HDC outright, or be offered a review at a subsequent date. It seems appropriate that any measure of refusals which is to be used to contextualise release decisions should be concerned with final decisions resulting in refusal, and as such it was decided to exclude from the In Process Refusal category refusals on the grounds of supervision level where a review was granted.

4.14 In total there were 6,043 Pre-process Refusals and 8,792 In Process Refusals recorded during the period under consideration (see Annex A for additional breakdowns). Figure 4.4 shows that Pre-process and In Process Refusals rise and fall largely in tandem, and that there was a notable jump for all refusals in the middle of 2008, after which a higher plateau of refusals has been established.

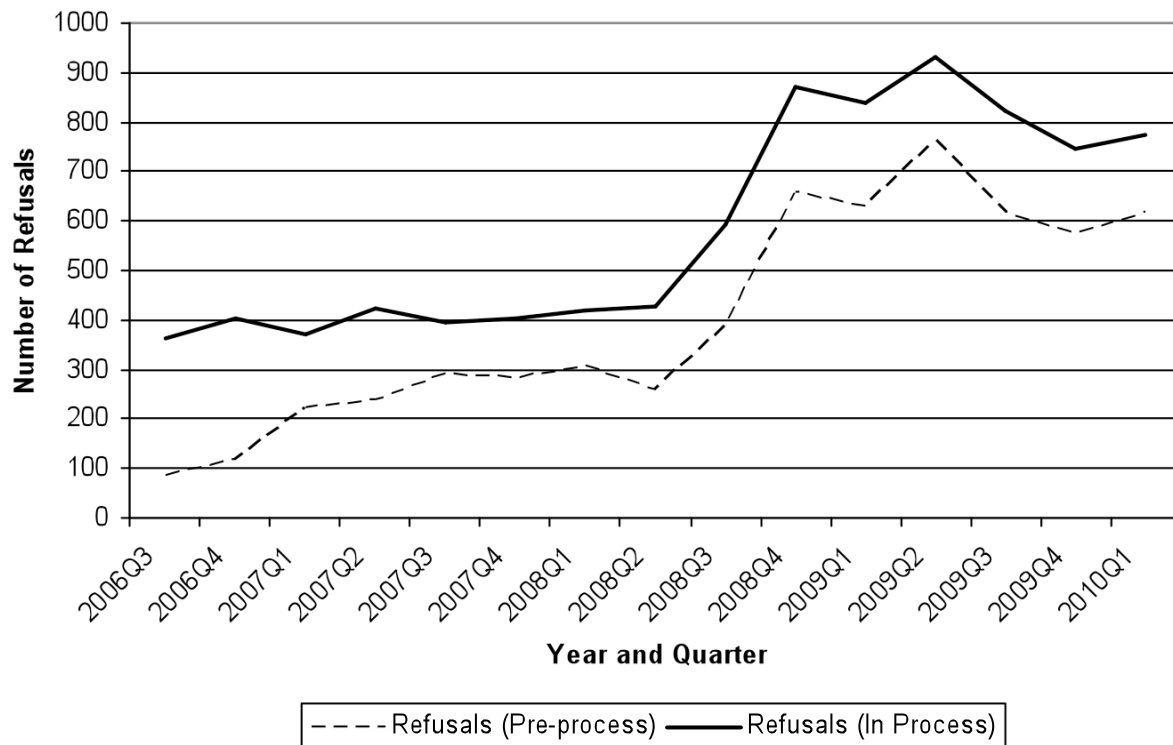
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<sup>8</sup> As of the time of writing this includes those who: are required to register as sex offenders; are subject to an extended sentence; are subject to a supervised release order; are subject to a hospital direction; have previously been recalled from licence; and/or are awaiting deportation.

<sup>9</sup> Since 2008, there have been reciprocal cross border transfer arrangements between England and Wales and Scotland.

<sup>10</sup> Recall from HDC falls under statutory exclusions, but separating out the category in the analysis allows one to see whether HDC recalls are having an independently significant effect on reducing the number eligible for the scheme.

**Figure 4.4: HDC Refusal Decisions 2006 to 2010**



4.15 Table 4.4 summarises reasons for refusals between 2006 and 2010. Within the category of In Process Refusals, no single reason dominates. In contrast, the Pre-process Refusal category shows a strong bias towards prisoners who are denied due to Statutory Exclusions and to a slightly lesser extent, prisoners refused on the grounds of their supervision level.

**Table 4.4: Reasons for Refusal of HDC 2006 to 2010**

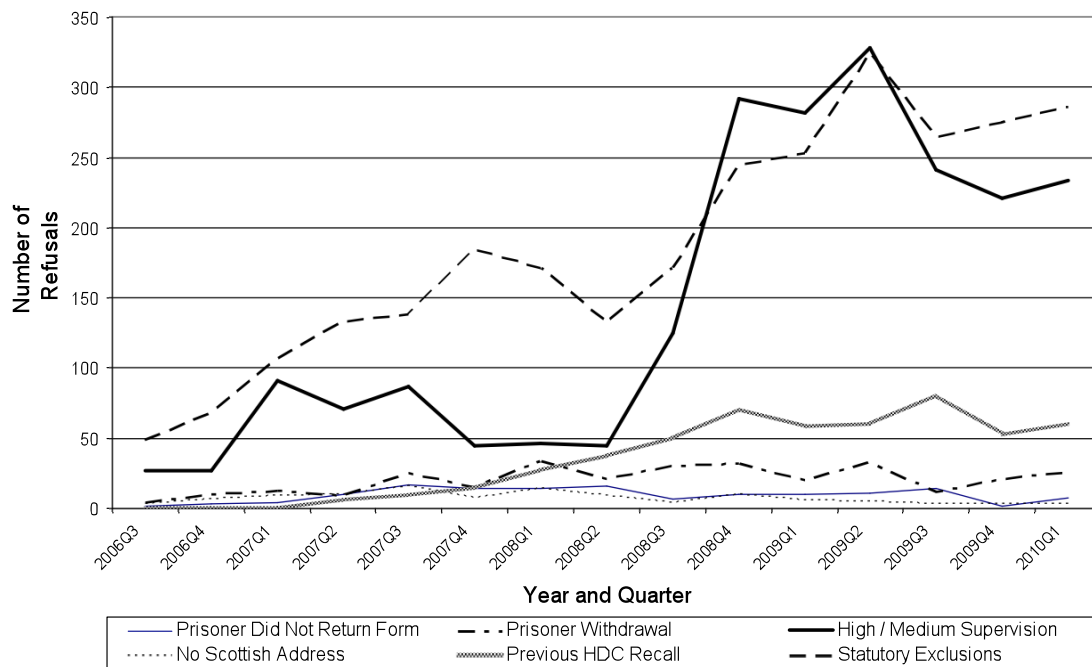
Reason for Refusal	Percentage of Refusals
<i>Pre-process Refusals</i>	
Application Form Not Returned	2.3
High / Medium Supervision (Review Granted)	35.8
No Scottish Address	1.8
Previous HDC Recall	8.6
Prisoner Withdrawal	5.0
Statutory Exclusions	46.3
<i>In Process Refusals</i>	
Adverse Community Assessment	21.3
High / Medium Supervision (HDC Refused)	29.9
Outstanding Untried Warrant	5.5
Risk Assessment Failure	23.1
Other Reason	20.1

4.16 Figure 4.5 illustrates the changing mix of reasons for a Pre-process Refusal, while Figure 4.6 provides the same information for In Process refusals. Leaving aside for a moment the striking growth in refusals on the grounds of a statutory exclusion or a prisoner's supervision level, it is notable that the number of prisoners excluded from the system due to being recalled when on a previous period of HDC release has increased over time.<sup>11</sup>

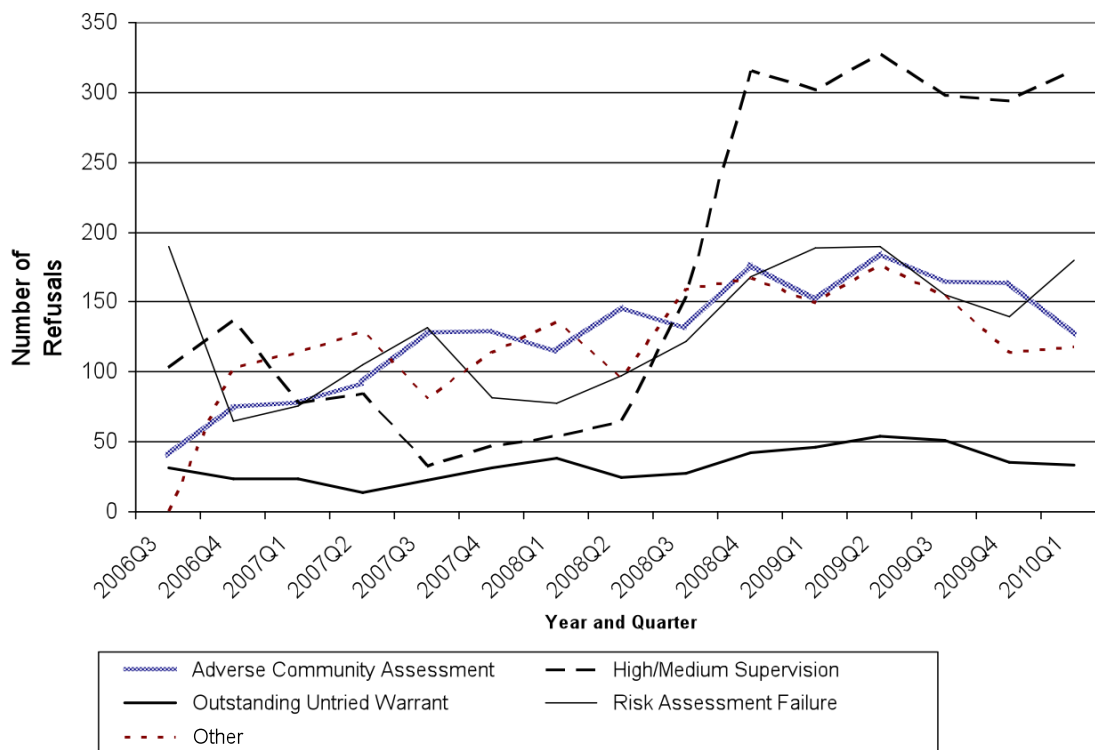
4.17 In both Figures 4.5 and 4.6, rapid growth in refusals on prisoner supervision level grounds from the middle of 2008 can be clearly observed. It would appear that it is this growth in recorded refusals due to prisoner supervision level, which is mostly responsible for the overall growth in refusals identified in Figure 4.4. The data themselves do not tell us why this sudden growth in recorded refusals occurred. One potentially relevant change at this point was the extension of the maximum period a person could be on HDC from 4.5 to six months. The effect of this would be to bring forward the HDC qualification date for some prisoners, which might mean that some prisoners who would eventually be downgraded to a low risk level under the Prisoner Supervision System would still be at medium or high risk levels at the point when they could first be considered for HDC.

<sup>11</sup> It is possible that the HDC refusal basis of exclusion is even higher than shown in the figure, since some refusals falling into this category equally might be recorded as general statutory exclusions. See Chapter 2 for a discussion of issues related to using management data for research, as well as the findings from this section.

**Figure 4.5: Reasons for Pre-process HDC Refusals 2006 to 2010**



**Figure 4.6: Reasons for In Process Refusals 2006 to 2010**





4.18 It should be noted that it is possible for prisoners to be refused HDC on multiple occasions. Reflecting this, 13.3% of prisoners are recorded as having been refused HDC on more than one occasion. However, less than 2% received three or more refusals suggesting that prisoners are not generally constantly applying for, and being rejected from HDC.

4.19 The remainder of the analysis of refusals will focus on In Process Refusals, the most appropriate base for comparing to releases, with information broken down by the two periods either side of the middle of 2008 (i.e. second quarter), when the large spike in refusals occurred.

4.20 Table 4.5 provides a breakdown of refusals by prisoner characteristic. As with the data on HDC releases, this breakdown largely reflects the make-up of the wider prison population, for instance, around nine out of ten prisoners refused HDC are male. Similarly, those refused HDC are generally young, and on shorter sentences. However, reflecting the patterns identified with regards to HDC releases, prisoners on particularly short sentences are again notable for their absence in the data, with those on sentences of three months or less accounting for only 4.4% of prisoners refused HDC.

4.21 The overall ratio of releases to refusals was 1.2 before mid 2008 but only 0.6 from this point onwards. This means that prior to the middle of 2008, just over half of prisoners who made it to a final decision were released on HDC (for every prisoner receiving a refusal, 1.2 were given a release). In contrast, from the middle of 2008 onwards, only around 37% of decisions resulted in a release.

4.22 The last two columns of Table 4.5 present release ratios for each prisoner characteristic given in Table 4.2.<sup>12</sup> All but one of the post-mid 2008 release ratios in Table 4.5 are lower than the equivalent figures for the earlier period. The one exception to this is those prisoners serving sentences of four years or greater, though this amounts to less than 30 decisions, too small a number to draw any conclusions.

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<sup>12</sup> Given the small number of prisoners exhibiting some of the characteristics identified, care must be taken when comparing ratios between groups, or over time. For instance, the release ratio associated with prisoners on sentences of 4 years and over increases from 0.2 prior to the middle of 2008 to 1.0 in the second half of the study. However, these findings involve a total of 26 decisions, with 11 resulting in a prisoner release.

**Table 4.5: Comparison of HDC Refusals and Release Rates before and after mid 2008**

	Percentage of Refusals*		Ratio of Releases to Refusals*	
Prisoner Characteristic	2006 (Q3) - 2008 (Q2)	2008 (Q3) - 2010 (Q1)	2006 (Q3) - 2008 (Q2)	2008 (Q3) - 2010 (Q1)
<i>Gender</i>				
Female	11.4	7.6	1.2	0.9
Male	88.6	92.4	1.3	0.6
<i>Age Group</i>				
20 and under	12.5	16.9	1.8	0.4
21-30	50.5	44.2	1.0	0.6
31-40	25.5	25.1	1.2	0.6
41-50	9.5	10.9	1.4	0.7
51-60	1.8	2.5	2.1	0.9
61 and over	0.3	0.4	2.1	0.9
<i>Main Offence of Conviction</i>				
Crimes of Dishonesty	27.4	24.2	0.8	0.4
Crimes of Indecency	0.1	0.1	1.5	0.0
Fire-raising, Vandalism etc	2.5	2.8	1.3	0.6
Motor Vehicle Offences	9.6	6.0	1.6	1.1
Non-Sexual Crimes of Violence	14.2	14.1	1.7	0.8
Other Crimes	22.1	24.8	1.8	0.8
Miscellaneous Offences	23.8	27.6	0.7	0.4
Other Jurisdiction Charge	0.2	0.1	0.3	0.0
<i>Sentence Group</i>				
< 6 Months	36.8	31.1	0.6	0.2
6 Months <12 Months	31.4	35.5	1.2	0.6
12 Months <18 Months	13.7	14.7	1.8	0.7
18 Months <24 Months	6.4	7.1	1.9	0.9
24 Months <36 Months	8.3	9.2	2.3	1.1
36 Months <48 Months	2.9	2.1	2.0	1.4
48 Months and over (including lifers)	0.2	0.2	0.2	1.0

\*Refusals mean specifically In Process Refusals, as explained in para.4.19.

4.23 However, looking across Table 4.5 as a whole, it is possible to make several observations. Firstly, there are proportionately more releases among older prisoners. Likewise, this release ratio is generally higher for prisoners on longer sentences. There is no clear evidence of a gender difference in granting HDC, with no consistent pattern appearing across the two different time periods. With regards to the offence for which a prisoner was originally convicted, it is hard to make any detailed statement because each offence category combines a wide range of different offences, and as shown in Tables 4.1 and 4.4, some categories contain very few cases. However, the release rates associated with Crimes of Dishonesty and Miscellaneous Offences (both categories which contain several hundred decisions) do appear notably lower than those for other types of convictions.<sup>13</sup>

4.24 Overall, what can be concluded from this data is that after the middle of 2008, a lower proportion of those applying for HDC are being released. This suggests that the expansion of the scheme to allow for earlier consideration of release, which occurred in 2008, did not result in a significant increase in releases.

4.25 Figure 4.7 shows the pattern of In Process refusals across the two periods either side of the middle of 2008, while Figure 4.8 presents establishment data of the release to refusals ratio for the two periods. Reported numbers of releases at some establishments does raise some issues about the robustness of the data.<sup>14</sup>

4.26 The majority of establishments have similar total numbers of refusals across both time periods. However, a handful of prisons (Polmont, Perth and most notably Barlinnie) have recorded substantially more refusals in the second period compared to the first. The overall increase in refusals recorded either side of the middle of 2008 would appear to be a result of the differences associated with these establishments.

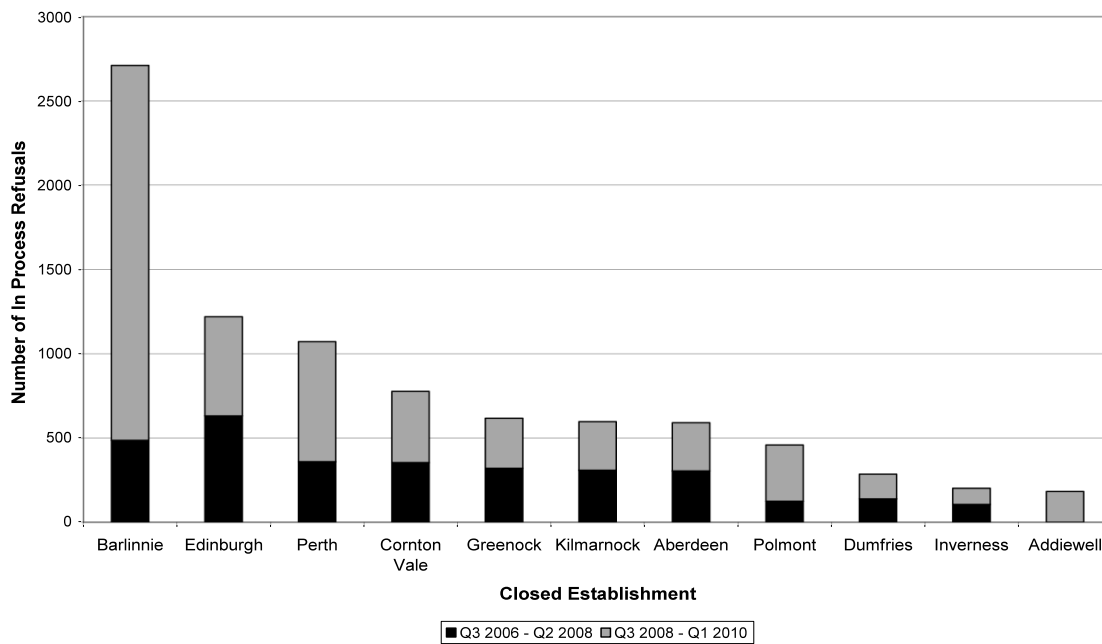
4.27 Figure 4.8 shows interesting differences within individual prisons, which are likely linked to changes in decision making practices from 2008 onwards. Release ratios for Barlinnie, Polmont and Perth are much lower after the middle of 2008. The apparent outlying nature of Polmont in the period prior to the middle of 2008 again raises questions about data integrity. During this time, Polmont has in excess of 2.5 recorded HDC releases for each recorded refusal. Although this figure may, to some extent, be explained by the unique nature of Polmont as a Young Offenders Institution, this figure is in marked contrast to the figures for other establishments, and the figure for Polmont itself from the middle of 2008 onwards.

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<sup>13</sup> While it would almost certainly be useful to analyse releases by a prisoner's prior criminal history, this information was not easily accessible within JASD.

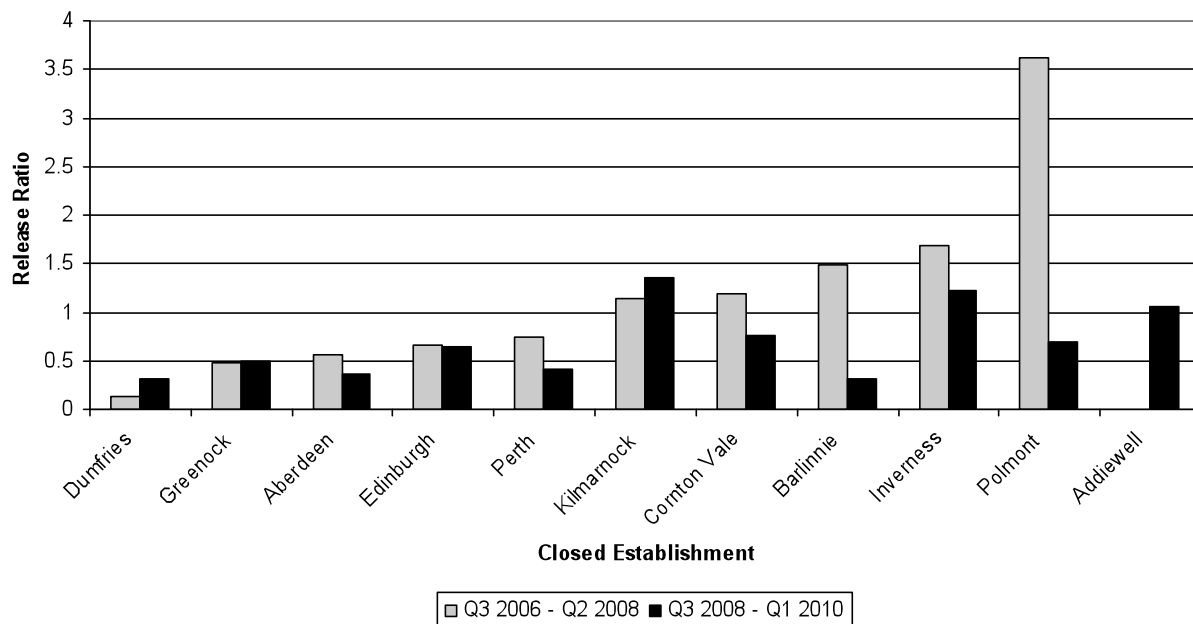
<sup>14</sup> Several establishments, which are recorded as having released prisoners on HDC, have no or only one recorded In Process Refusal (Glenochil Prison, 264 releases and no refusals; Open Estate, 507 releases and no refusals; Low Moss, 340 releases, one refusal).

**Figure 4.7: HDC In Process Refusals pre and post mid 2008, by Establishment**



*HMP Addiewell opened in December 2008 and therefore provides no data for the earlier of the two periods; as noted, the Open Estate and Glenochil recorded no refusals.*

**Figure 4.8: HDC Ratio of Releases to In Process Refusals pre and post mid 2008, by Establishment**



*HMP Addiewell opened in December 2008 and therefore provides no data for the earlier of the two periods; as noted, the Open Estate and Glenochil recorded no refusals.*

## **Decisions to Recall Prisoners on HDC**

4.28 Of the 7,292 releases on HDC, 1,796 resulted in a prisoner returning to custody before their period on HDC was completed, giving an overall return rate of 23%. Prisoner returns are recorded under two headings, Readmissions (typically voluntary return to custody) which account for 13.4% of prisoner returns, and Recalls (return to custody due to breaches of conditions) which account for 86.6% of prisoner returns.

4.29 The rate of recalls between 2006 and 2010 was 21%. This rate is high in relation to the rate for England and Wales which was around 12% in 2009 (Ministry of Justice 2010).<sup>15</sup>

4.30 Table 4.6 provides a breakdown of the reasons why prisoners on HDC were recalled. Around two thirds of recalls relate to prisoners breaching licence conditions or not observing the terms of their curfew. Just over 16% of recalls are due to interfering with, or preventing the installation of, the monitoring equipment required at a prisoner's home address. Just 101 recalls (7% of all recalls) were due to the serving of a new warrant<sup>16</sup>. Another 6% were recalled when the householder of their home address withdrew their consent for them to live there.

**Table 4.6: Reasons for Recall among Prisoners on HDC 2006 to 2010**

<b>Reason for Recall</b>	<b>Percentage of Recalls</b>
Breach Of Licence Conditions	23.5
Serious Breach Of Curfew (>6 Hrs)	37.6
Minor Breach Of Curfew (>2<6 Hrs)	1.4
Cumulative Breach Of Curfew	6.0
Assault (Or Threat) On Contractor	0.3
Intentional Damage To Monitoring Equipment	12.4
Preventing Installation Of Monitoring Equipment	3.9
Preventing Maintenance Of Monitoring Equipment	0.2
New Warrant Served	6.5
Presence At A Restricted Location	0.1
False Breach (SPS/Serco Error)	0.4
Withdrawal Of Householder Consent	6.1
Reason Unknown	1.5

4.31 Table 4.7 provides a summary and recall rates for prisoners with particular characteristics. Rates of recall for male and female prisoners are similar. However, recall rates amongst younger age groups appear to be substantially higher than for older ones, a finding consistent with research on HDC use elsewhere. The recall rates associated with Crimes of Dishonesty, Miscellaneous Offences (just over 70% of these

<sup>15</sup> There were around 11,500 releases on HDC and 1,400 recalls in 2009 (Ministry of Justice, 2010). The recall rate is calculated the same for the Scottish data: recalls divided by releases. This provides a rough comparative sense of the recall rate, and there will be a variety of reasons for differing rates (though the two jurisdictions have very similar rules on reasons for recall).

<sup>16</sup> Serving a new warrant is used here as a potential indicator of offending while on HDC. However, some recalls due to offending may be recorded under another category of reason, and some warrants issued while on HDC may relate to offences committed earlier.

are petty assault and 20% are breach of the peace) and Fire-raising and Vandalism appear notably higher than those for Non-Sexual Crimes of Violence and Other Crimes (primarily made up of drugs offences).

**Table 4.7: Characteristics of Individuals Recalled from HDC and Associated Recall Rates**

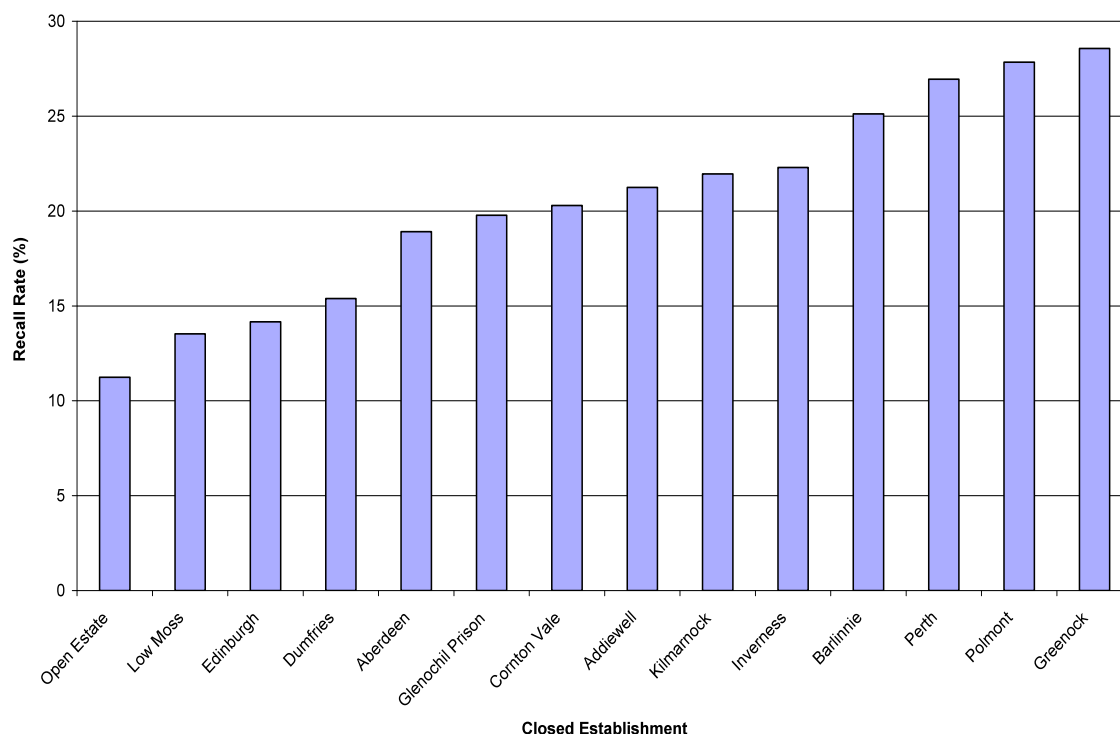
<b>Prisoner Characteristic</b>	<b>Percentage of Recalls</b>	<b>Recall Rate</b>
<i>Gender</i>		
Female	10.7	20.8
Male	89.3	21.6
<i>Age Group</i>		
20 and Under	18.8	26.4
21-30	48.2	23.8
31-40	22.6	19.3
41-50	8.7	15.5
51-60	1.5	9.6
61 and over	0.2	7.3
<i>Main Offence of Conviction</i>		
Crimes of Dishonesty	22.6	27.5
Crimes of Indecency	0.0	n/a
Fire-raising, Vandalism etc	3.4	28.3
Motor Vehicle Offences	9.0	16.4
Non-Sexual Crimes of Violence	18.6	21.8
Other Crimes	24.8	15.9
Miscellaneous Offences	21.5	29.0
Other Jurisdiction Charge	0.1	50.0
<i>Sentence Group on Release</i>		
< 6 Months	10.7	14.5
6 Months <12 Months	35.7	23.2
12 Months <18 Months	21.3	23.8
18 Months <24 Months	12.4	25.5
24 Months <36 Months	15.4	20.3
36 Months <48 Months	4.4	19.7
48 Months and Over (including lifers)	0.0	n/a
OVERALL RECALL RATE		21.5%

4.32 There is no clear linear pattern between the sentence length of an individual, and their likelihood of recall, with the lowest recall rates associated with prisoners who have served sentences of less than six months, while the next lowest recall rate is associated with those who have served between three and four years.

4.33 The most notable point about differences between recall rates by the establishment they were released from (Figure 4.9) is that the lowest recall rate is associated with those individuals released from the Open Estate. Such a finding is of little surprise given one of the major functions of the Open Estate is to prepare prisoners for a return to community living, and how prisoners at the Open Estate can be generally expected to have lower risks of re-offending. Still, this data may provide some indirect evidence of the 'success' of open prison, though it must be remembered that the age and offence profile of the Open Estate means its population is likely to have a lower rate of recall regardless of how well the regime is working.

4.34 At the opposite end of the distribution, the relatively high recall rate associated with Polmont is likely an aggregate level reflection of the higher risk of recall for younger prisoners and again serves to illustrate the point of how differences between establishments may reflect differences in their respective populations.

**Figure 4.9: HDC Recall Rate 2006 to 2010, by Establishment**



### **Success Rates by Length of Time on HDC**

4.35 In this section we present the analysis of a sample of the main dataset, concerning 1,058 prisoners released on HDC licences in the six months between 1 July 2008 and 31 December 2008. This dataset includes additional variables around the length of time a prisoner spent on HDC, and more detailed information about the location of their home address during their time on HDC.

4.36 Around one-fifth (21.9%) of this sample were recalled due to breaching their licence terms at any time during their period on HDC, a figure comparable with the recall rate for the overall study sample.

4.37 Using information about how long an individual spent on HDC, the length of their HDC licence, and the reason for the ending of their time on HDC (liberation or recall due to breach), it was possible to construct an indicator of what proportion of their HDC release period each individual served before recall. A prisoner who avoided recall received a proportion of 1.0, i.e. they successfully completed all their time on HDC; a hypothetical prisoner recalled on their first day of an HDC licence would receive a value of 0.0, i.e. they successfully completed none of their HDC period. In this respect, this indicator is more nuanced than the indicator used in the previous section, as it considers an element of time to recall, rather than simply indicating whether a prisoner is recalled.

4.38 Table 4.8 presents two simple regression models for linking the proportion of HDC licences successfully completed to the overall length of an individual's HDC licence. The first model analyses success rate on HDC by the length of time a person was on HDC. This model suggests that, on average, the longer a person is on HDC the more likely they are to be recalled to custody. The second model, a quadratic model, includes not only the length of an individual's HDC licence, but, also the square of this value, which appears to provide a slightly improved approximation of the pattern of recalls within the data.<sup>17</sup> The application of the quadratic model, illustrated in Figure 4.10, shows like the first model that the success rate of those on HDC decreases the longer the period of an HDC licence, but that this relationship begins to reverse for those on licences of 130 days or longer.

**Table 4.8: Regression Models of the Proportion of HDC Licences Completed to Overall Length of an Licence Period**

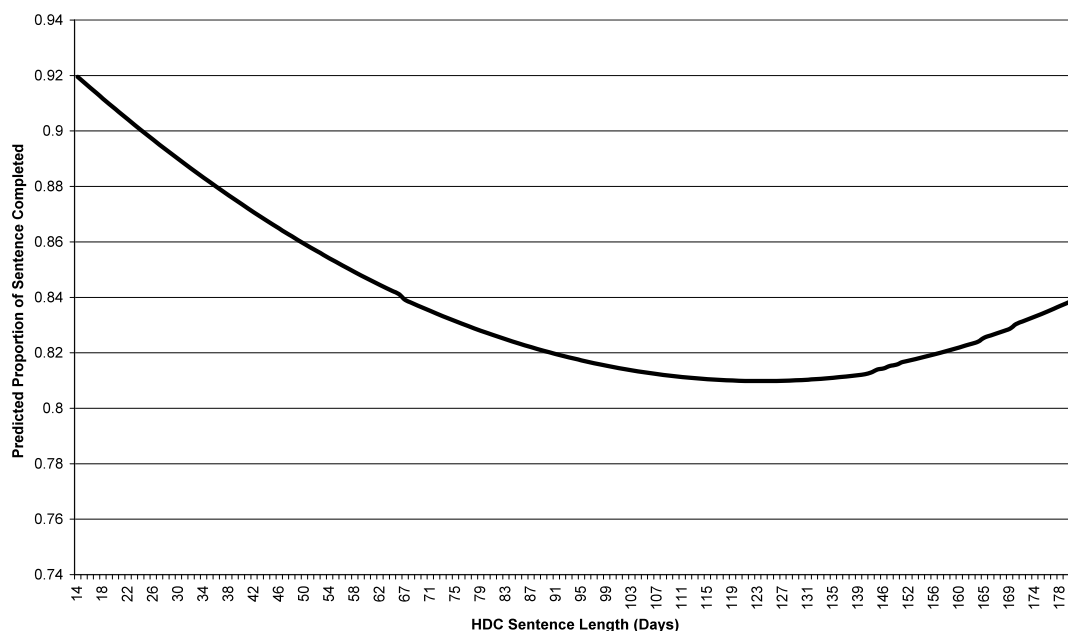
Variable	Licence Length Model	Quadratic Model
Constant	1.220 (0.088)*	1.507 (0.163)*
HDC Licence Length	-0.002 (<0.001)*	-0.010 (<0.001)*
HDC Licence Length Squared		0.001 (<0.001)*
Bayesian Information Criterion	-6854.527	-6852.111

\*Indicates significance at the 0.05 level (standard errors given in brackets).

<sup>17</sup> Both of these explanatory variables are statistically significant (at the 0.05 level), and the quadratic model has a lower Bayesian Information Criterion value than the simple linear regression.



**Figure 4.10: Predicted Proportion of Licences Successfully Completed by Length of HDC Licence**



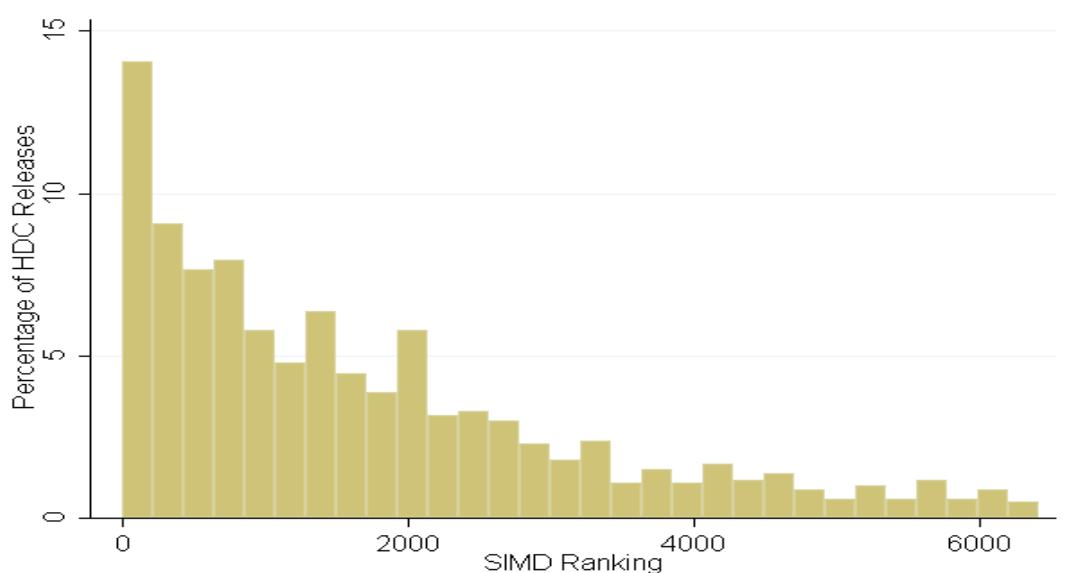
### ***Success by Geographic Area and Level of Neighbourhood Deprivation***

4.39 The dataset involving just those prisoners released on HDC licences in the second half of 2008 also included additional geographic information which allowed for analysis to be conducted at a small area level. In particular, it was possible to identify in the Data Zones of 95% of the registered home addresses within this sample. Data Zones are small area geographic identifiers, each of which contains between 100 and 500 household residents. The boundaries of each zone are intended, where possible, to reflect physical boundaries and natural communities. As far as possible, a single Data Zone will contain households with similar social characteristics.

4.40 Data Zones are the major unit of reference used in the Scottish Index of Multiple Deprivation (SIMD). Figure 4.11 suggests that the home addresses of those released on HDC licences are disproportionately concentrated in deprived areas. Taking a simple binary indicator of whether an individual was recalled to custody during their period of HDC, Table 4.9 presents T-tests to compare prisoners recalled to custody and those who successfully complete HDC, in terms of their average ranking on different SIMD domains (lower values represent more deprived areas). Although it is important to be careful in interpreting this area level analysis (as highlighted above, the risk of recall appears related to different individual level characteristics, and it is likely that individuals with similar characteristics will live in similar types of areas), Table 4.9 suggests a clear pattern, with those individuals recalled to custody appearing, on average, to have home addresses in more deprived areas. This pattern is present not only with reference to an area's overall standing on SIMD, but also for the majority of separate domains which contribute to the overall index. The exception to this pattern is that there appears to be

no significant difference between those who successfully complete HDC, and those recalled, in terms of their score on the Geographic Access to Services component of the index.

**Figure 4.11: HDC Releases by Scottish Index of Multiple Deprivation Ranking, July through December 2008**



**Table 4.9: Comparison of SIMD Domains for Those Completing versus Recalled from HDC**

SIMD Domain	Mean Rank for Successful HDC Period	Mean Rank for Recall Due to Breach	T-Statistic
<b>Overall SIMD</b>	1800.2	1406.8	3.5*
<b>Employment</b>	1859.7	1437.6	3.8*
<b>Income</b>	1817.1	1447.5	3.3*
<b>Health</b>	1796.4	1458.4	3.1*
<b>Education</b>	1845.5	1523.3	2.9*
<b>Housing</b>	2258.1	1939.4	2.7*
<b>Crime</b>	2064.5	1753.3	2.7*
<b>Geographic Access</b>	3727.9	3747.4	-0.149

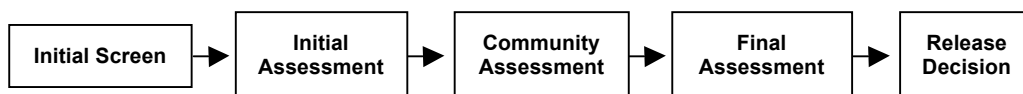
\* Significant at the 0.05 level.

Tests based on unequal variances across groups.

Significance based on two-tail test.

## Qualitative Analysis of HDC

4.41 The section begins first by describing the main stages of making an HDC release (or refusal) decision, and then considering analytical issues arising from the process. The following diagram shows the general process followed across the prison estate in making a decision to release a prisoner on HDC:



### *HDC Process and Coordination in Prison*

#### ***Initial Screen and Assessment***

4.42 Each prison designates an individual as HDC coordinator, whose job it is to collate assessments from inside and outside the prison, in order to facilitate a release decision, or a rejection, by their line manager – either a unit manager or a governor grade (and in the private prisons, the SPS controller). Sometimes a unit manager is also the HDC coordinator. We interviewed relevant staff in all prisons involved with HDC, sometimes the coordinator, sometimes the unit manager and in one instance the administrator who assists the coordinator. The role of HDC coordinator is only ever a part of an officer's job description, one task among several, and the amount of time they need to devote to it, per week, depends on the numbers of eligible prisoners and HDC applications. This seems to average between two to three per week and 15 to 20 per week (but peaks as high as 50 to 60 per week were reported). What follows here is a composite picture of the processes involved in arriving at a release decision.

4.43 The SPS information management system (PR2) flags up the earliest possible release date on HDC shortly after the prisoner is initially admitted. Nearer the time of the HDC qualification date administrators set the assessment process in motion. Precisely when this occurs varies across prisons, some saying 4 to 6 weeks, others 12 to 16 weeks, depending on lengths of sentences. Table 4.10 shows scenarios of maximum allowable periods on HDC for different sentences. A person can serve up to a quarter of their sentence on HDC, up to a maximum period of six months. Two to four year sentences permit full maximum HDC periods of six months – a substantial period of controlled liberty which can be properly planned for. Very short sentences – three months or under – leave very little time to organise HDC to allow for the minimum time of two weeks to be spent on licence: a person serving three months will spend only six weeks in prison. The initial assessment aims simply to screen out statutory exclusions and to identify what the prisoner's current level of supervision is within the prison and to see if any crime victims need to be consulted in respect of release – the SPS computer flags victim notification status, and ideally 12 weeks are needed to allow the SPS legal team to contact victims.<sup>18</sup>

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<sup>18</sup> SPS states its policy is that no decision will be taken until victims' representations are available.

**Table 4.10 Maximum HDC licence and custody periods for different sentence lengths**

3 months	6 months	1 year	18 months	3 years
<ul style="list-style-type: none"> <li>• 3 weeks custody</li> <li>• 3 weeks HDC</li> <li>• 1.5 months unconditional release</li> </ul>	<ul style="list-style-type: none"> <li>• 45 days custody</li> <li>• 45 days HDC</li> <li>• 3 months unconditional release</li> </ul>	<ul style="list-style-type: none"> <li>• 3 months custody</li> <li>• 3 months HDC</li> <li>• 6 months unconditional release</li> </ul>	<ul style="list-style-type: none"> <li>• 4.5 months custody</li> <li>• 4.5 months HDC</li> <li>• 9 months unconditional release</li> </ul>	<ul style="list-style-type: none"> <li>• 12 months custody</li> <li>• 6 months HDC</li> <li>• 18 months unconditional release</li> </ul>

4.44 Risk criteria include Prisoner Supervision System (PSS)<sup>19</sup> level, severity of offence, offending background and current addiction issues. In the main only prisoners with a PSS level of low are considered for HDC. But PSS medium prisoners – one prison said high level as well – may be considered at this stage to see if, by provision of support, say by Phoenix Futures, the supervision level can be lowered in time for release. Other data will be collated by the administrators: Social Enquiry Reports (if these are available in the prison), previous convictions, governor's reports and the community integration plan prepared earlier in the prisoner's stay. Administrators also seek out outstanding warrants, which would lead to prisoners getting rearrested immediately on release. Some coordinators, aware on a daily basis of the cases on whom the administrators are collecting data, take a hand at this stage, trying to get a feel from the paperwork whether individuals should be put forward (or not) for HDC: 'if I'm not getting a feel I will speak to the prisoner or someone who works with the prisoner to get a flavour'. One private prison mentioned that drug use by visitors, picked up by dogs and hand scans, would raise questions about release on HDC. Once the administrators have done the collating, the data is then passed to a coordinator and/or unit manager for a decision to proceed, or set a date for a later review, or halt the process at that stage. If the decision is to proceed, the HDC administrators are asked to arrange for a community assessment.

4.45 Some prisoners, though not many, decline to apply for HDC, even if they are eligible, particularly if the period of time on offer seems too short to bother with. Some who are eligible are refused it at an early stage, and one respondent in an adult prison said of refusals generally, 'there is no major drama from prisoners if they are refused, they tend to know they are not going to get it'. This contrasted markedly with prisoners in a young offender institution, of whom it was said: 'sometimes the refused person can get very upset .... It's difficult when the reason is because a parent doesn't want them back, and so you try to find another ground of refusal so you can explain it in these terms'.

<sup>19</sup> PSS is the prison service's classification of the level of supervision a prisoner requires in secure institutional conditions. It has three levels – low, medium and high. The default supervision level for new prisoners upon arrival in prison is medium or high, never low.

## ***Community Assessment***

4.46 Once the initial prison-based assessment is completed, and a provisional judgment of a prisoner's suitability is made, a community assessment is requested. The community assessment is the stage during which the suitability of the address to which the prisoner proposes to be released is evaluated. It is requested from local authority criminal justice social work managers (or other designated team, sometimes the request is sent to a 'bucket address', i.e. general email address for local CJSW) devolved down to the office closest to the address needing to be assessed. Assessments may be conducted via a telephone call or an actual visit to the address. The time scale for preparing the community assessment varies, the stated policy target being 15 days, but with some prisons reporting they can take, though more as exception than rule, twice that amount of time. 'Generally, they meet the target turnaround time', one coordinator told us, reflecting the perspective of offender managers from most establishments. Some are asked for urgently, with less than 15 days to undertake it, and the prisons are aware of the pressures that CJSW teams are under, and why such targets may present issues for them. Planning is aided if social workers let the prison know if a report is going to be late. One prison – uniquely – discusses HDC releases at a regular multi-disciplinary meeting in the prison, mainly focused on addiction, to which local CJSWs are routinely invited, before doing their assessment. The final decision to release – in all prisons – is in principle based on the pooling of risk data from both prison and community.

## ***Release or Refusal Decision***

4.47 On the basis of the combined prison and community assessments, release dates are confirmed, or the application is rejected. In the case of release, prisoners are provided information about what the HDC process entails, generally focusing on its technical aspects (the installation of equipment, when Serco might arrive, etc.). However, the prisoner will also be talked through the conditions on his or her licence and be reminded about enforcement of breaches. There is no standard leaflet given out to prisoners although there are currently plans to develop one, and at least one prison has produced its own brochure.

4.48 Some prisons clearly and proudly went to very great lengths before the release date to do 'outreach' and arrange contact with job centres, colleges, addictions and mental health teams, sometimes adding these in as HDC licence conditions. While recognising their own limited capacity to enforce them if the prisoner did not comply, they valued HDC as a constructive framework for graduating the release process, and retaining some control over the prisoner. Others were more sanguine, saying there was 'nothing gradual about it, the person is just dropped straight out of prison'. One prison treated going out on HDC as 'like a liberation', another as period of 'controlled supervision' in which the subject was still formally a prisoner. Overall, what was striking in the views of our respondents was how many of them felt that HDC could and should be used constructively, even if the reality falls short of such aspirations. Equally striking were the rare exceptions: one private prison considered that preparation for HDC was

done at induction, when prisoners first arrived, supplemented by informal talks with offenders nearer the release date.

4.49 Decisions in respect of borderline cases tended to err on the side of caution, but further discussion may take place among staff in the prison, or more information requested from field CJSWs may lead to a positive decision – this was called ‘flexible risk determination’ by one respondent. There are specific issues to address when considering release of young offenders on HDC – a preponderance of requests to live with a parent whom they had previously been estranged from, suspicious requests to live with ‘friends’ or otherwise be homeless – but also worries on the part of the prison about the propriety of releasing people to independent accommodation, where there would be no one else around to influence or socialise with the young person.

4.50 If prisoners are undertaking offending behaviour, addiction or other educational or vocational programmes that will not have finished when the HDC release date comes up they are advised and persuaded to complete the programme first, and sometimes required to. (The first HDC date is the *earliest* release date – prisons are not bound to go for this, and have discretion to delay the prisoner’s departure). One prison at least made completion of relevant programmes a condition of getting HDC, but on the whole, this stipulation is not necessary.

4.51 In the case of refusals there may be a range of reasons, not necessarily mutually exclusive; the most commonly stated reasons were:

- the general unsuitability of the address;
- intelligence about a prisoner’s likely criminal behaviour once released;
- concerns about domestic violence and child protection issues;
- other householders refusing to have the prisoner (more often partners than parents).

### ***Standard and Non-standard Conditions of Release***

4.52 The standard HDC conditions are to: remain at the specified address, adhere to curfew times, not interfere with the electronic tag, refrain from offending, and cooperate with Serco staff who install and monitor equipment. Curfews are mainly for a 12-hour period (though apparently staged at different times across the country in order not to overload Serco’s monitoring capacity; e.g. 7:00 to 7:00, 7:30 to 7:30 or 8:00 to 8:00). There is no requirement that a curfew *must* be for 12 hours; this is the maximum allowed. Variations to curfews are not uncommon. Permanent adjustments can be made, mainly to accommodate a person’s job schedule (though some jobs, like night shift work, may be impossible); and there are ad hoc variations for special events (e.g. to attend a funeral or meeting, etc.). The dispersed nature of the population, and geographic context of Scotland makes curfew variations, for example in the Highlands, a familiar feature of the scheme.

4.53 Varied use is made of non-standard licence conditions from prison to prison. A common non-standard condition is to 'engage with throughcare addiction services'. Conditions about jobs or education are rarely included, though some prisons did specify appointments with job centres, benefits offices, housing officers or maintaining work (if the prisoner was going out to a job). Contact with mental health service providers was also occasionally mentioned as a condition. Whilst mindful of turning a voluntary agreement into something coercive, prisoners are warned that non-compliance with non-standard conditions could lead to breach; at least one prison treated a failure to attend a first meeting with addiction services as the grounds of an automatic recall. If there were conditions that needed external monitoring – such as to stay away from a victim's residence – the prison expects CJSW (or the police) to do that, while being fully aware that there is no statutory obligation to do so. Another prison refused to use 'person-avoidance' conditions, precisely because they could not be enforced. One prison, at least, uses mentors from the Routes Out Of Prison initiative to help their HDC releasees. The two private prisons held contrasting views on conditions: one said it never placed conditions in licences, other than standard ones. The other did specify non-standard conditions, including person-avoidance conditions, and chased up offenders who missed first appointments with services in the community. One public prison also made a point of not using non-standard conditions, unless advised to do so in the community assessment.

### ***Issues Arising***

#### *Workload, Organisation and Timeframes*

4.54 SPS respondents commonly stated that the overall process, from identifying eligible prisoners to making a release decision, averages four to five weeks. It can take a bit longer, as much as six weeks, but rarely did anyone say the process happened faster than this. This has obvious implications, as was noted by many interviewees, for processing applications of those serving sentences at the shorter end of the legally included range. Generally, interviewees felt hard pressed dealing with those on sentences of three to six months (see Table 4.10 for an illustration of timeframes). One interviewee felt that the length of the HDC decision making process, and the need to have a period of time to observe a prisoner's behavioural patterns, meant that it was a scheme best targeted at prisoners on sentences of 12 months or more. A 12 month sentence means a person will have a designated stay in prison of six months, and if it takes four to six weeks to process an application, a person could practically have up to four months released on HDC.

4.55 While HDC does not amount to a full-time job for any single staff member, interviewees reported it can take up a lot of time. The time burden is a function mainly of the time needed, first, to unearth and analyse all the relevant information needed to assess prisoner suitability, and second, to deal with calls from released prisoners and family members following release.

4.56 The administrative organisation of HDC in Scotland is one of the more prison-dominant arrangements in existence. Most HDC schemes have greater involvement of

probation or community-based services at all stages from decision-making to monitoring of those under electronic supervision. For example, the England and Wales HDC system on which the Scottish approach appears to be generally modelled, was set up to have more involvement of probation staff directly in risk assessment and in post-release supervision. In principle, a probation officer based in the prison conducts an initial scrutiny of the documents available (e.g. pre-sentence reports, previous convictions, risk predictor scores, etc.) to determine whether there are any immediate issues which the prison staff or home probation service should be invited to comment on' (Dodgson et al., 2001: 7). England and Wales also provide post-release supervision of those serving sentences of 12 months or more and so are necessarily involved in meeting with prisoners released on HDC. In Scotland, there is no system wide post-release supervision of people on HDC by CJSW, and in fact one establishment reported that it was contemplating sending SPS personal officers into the community to partly play this role.

### *Specific Issues for Women Prisoners*

4.57 As in most places where HDC exists and identified in the statistical analysis, usage rates for women are higher than for men. Most women are released onto HDC from Cornton Vale, Scotland's only designated female institution, but the local prisons in Greenock, Inverness and Aberdeen also release women onto HDC. A few issues arose in interviews of offender managers specific to women.

4.58 First, women subject to transfers between Cornton Vale and local prisons may have had the HDC process started in one place and concluded in another. One local prison mentioned difficulties in having to hand search computer records to identify whether a recently transferred female prisoner might be eligible and how far the paperwork had gone in such cases. This adds to the time burden of processing applications specifically for women.

4.59 Second, the use of HDC for women transferring to the Community Integration Units (CIUs) was also raised as a concerning issue. Acceptance into one of the CIUs follows its own assessment process, which is not just about risk, but about the benefits that would be realised for a woman who is linked into local services and in the setting of her own community. CJSW respondents noted that sometimes a woman would be transferred to the CIU and then almost immediately released on HDC, meaning the benefits, and costs, of the CIU for this person would be lost.

4.60 Finally, women may present unique issues for administering HDC. One establishment gave the example of a pregnant prisoner who needed regular hospital visits, and another an example of a woman with a very sick child in hospital and the need to allow her late night bedside stays. These required alterations to curfews and other adjustments, such as providing the hospital's telephone number to Serco so that they could periodically check and verify the prisoner's presence. The issue is more about the numerous reasons that an alteration of a curfew might be required, an issue for both men and women. These examples show how HDC has gender specific implications for the humane management of penal sanctions. Asking hospital staff to



treat a worried mother simultaneously as an offender under surveillance can undermine the person's sense of dignity and exacerbate the stress of a highly emotional period. Of course, this could be weighed against the stress created if the prisoner remained in prison and were forced to visit a sick child in handcuffs.

4.61 Finally, those describing the decision making process for releasing women compared with men onto HDC seemed to spend more time exploring their needs and the presence of support for these in the community. This did not seem to make it more difficult for women to get HDC, but appeared to reflect a potentially gendered difference where for men the focus is on risk in the community, where for women there was an additional interest in needs (though these obviously are connected to risk).

#### *Quality and Consistency of Community Assessments*

4.62 The timing and purpose of community assessments were among key points of divergent opinions and some tension with CJSW. An 'adverse' community assessment rarely operated as an automatic veto on a release decision. SPS staff interviewed generally treated it as one piece of information in a larger process, though a clear finding that a particular address was unsuitable to release a prisoner to (for example, if it had no phone line – required to install the electronic monitoring equipment – or if there was drug dealing at the address) would mean that the prisoner would have to supply an alternative address to be assessed for suitability.

4.63 Where there were concerns or criticisms about community assessments, and these were raised in many, though not the majority, of interviews with SPS staff, they tended to be about the content of reports. Consistency and quality were the dominant themes. Some felt there was a wide range of practice in completing the community assessment form even within a single CJSW area. Most interviewees who had experience of dealing with CJSW offices in different local authorities noted widely varying practices. One respondent described the consistency problem as the difference between getting 'a windows and doors report' and 'War and Peace', concluding that excessive length and insufficient detail were both problems in the reports received at this particular prison. However, not only was there variation in how community assessment forms were completed, but also differences of opinion among SPS staff about how much detail was required. Some prison respondents said they were happy with a 'tick box' approach, while others clearly wanted detailed background information. In general, prison respondents felt community assessments tended towards being too risk averse, and this points up a broader issue about systematically different views between SPS and CJSW about the meaning of risk (an issue permeating both HDC and the Open Estate and discussed further in Chapter 7).

4.64 SPS managers largely understood the point of the community assessment to be focused on the suitability of the *property* (and its residents) as a place to which the prison could release a prisoner safely, rather than a community-based assessment of the suitability of the *prisoner* to be released. In contrast, SPS respondents sometimes felt CJSW assessments were written with a focus on the prisoner rather than the property, and this was seen as beyond their remit. Scottish Government guidance on

HDC states that ‘the proposed curfew address should be assessed for suitability. This assessment will be carried out by CJSW’ (Scottish Government, 2008, para. 3.1), but follows this up with the following:

*‘The assessment should also take account of risk factors identified from other sources of information available to CJSW (e.g. Social Enquiry Reports, historical/departmental records, etc), for example, any information which is likely to have a bearing on the prisoner’s compliance with the requirements of the HDC licence. It should be noted that the decision to release an individual is the responsibility of SPS.’ (SG Guidance, 2008, para. 3.3)*

4.65 It appears therefore that both information about an address as well as the person being considered for release are within CJSW’s purview although the guidance is clear that ultimately the authority to decide to release a prisoner lies exclusively with SPS. What remains ambiguous in the guidance, however, is what weight or impact the community assessment should or can have. Some SPS managers said content from a community assessment had been the main reason HDC was refused, but in other cases a negative community assessment did not prevent a release. Most SPS respondents appeared to feel the community assessment was one piece of information among many considered in the overall process of deciding whether a release could be approved. A clear finding that the address proposed by the prisoner is unsuitable was one of the strongest grounds of refusing HDC, though as noted earlier, SPS staff allow prisoners to suggest an alternate address which can subsequently be assessed.

#### *Risk Assessment and Definition*

4.66 Public safety is a primary consideration for releasing people on HDC, and hence risk assessment to achieve this is a central part of the HDC decision process. It is also an area where differences in defining risk within and between agencies emerges. There are at least three understandings about risk circulating in various parts of the HDC process:

- protecting the public and preventing re-offending while in the community: this comes from Scottish Government Guidance on the appropriate use of HDC (Circular No JD 7/2008);
- a person’s risk of harm in the community extrapolated from their designated risk level in supervised conditions: this is the main criteria used by SPS in assessing cases and making release decisions; and
- risk of one’s environment and background facilitating harmful behaviour: this understanding predominates in CJSW involvement in preparing community assessments.

4.67 SPS uses the levels of its Prisoner Supervision System (PSS) to determine initial eligibility for HDC; only prisoners who have a PSS rating of low will be fed into the assessment process for HDC. PSS specifically refers to the risk of harm to self or others that a prisoner represents in secure institutional conditions. While there is broad

awareness among SPS staff we met that supervision needs in confined conditions is not the same as risk in the community, PSS is the foundation – the first stage of a ‘sifting’ process – for determining who will proceed through a complete risk assessment and be released to the community.

4.68 Where a prisoner is excluded from consideration because their PSS level is medium or high, a review date is usually set to check if the level has fallen to low. There were differences among establishments in the intervals set to review supervision levels. Some informally might check back on a case after a month, others would set a three to six month review date, which is in line with the regular review period for the Prisoner Supervision System. It should be noted that all prisoners on entering the prison system will be designated ‘medium’ or ‘high’ under PSS. This is true even for prisoners who have had many sentences and therefore where a long term record exists of their past behaviour in prison. Prisoners can be designated low once they have been inducted into the establishment and a period of time, usually several weeks, has elapsed without incident.

4.69 There was a consensus among SPS interview respondents that if someone is ‘high’ according to PSS (that is, in prison) they are going to be high risk in the community. As one interviewee put it, ‘if you are chaotic in the prison there is a good chance you are going to be chaotic outside when there is no one to look after you’. However, it was also commonly felt that it did not necessarily follow that someone who was low according to PSS in prison would also be low risk in the community. One respondent explained this by pointing out that the supervised nature of the prison setting might mean someone easily gets along with people with whom, in the community, there would be regular confrontations.

4.70 Interestingly, and in contrast to the CJSW community assessment process described next, personal knowledge and contact with the prisoner was a regularly reported feature of risk assessment. CJSW respondents would be more likely to talk in terms of familiarity with the person’s case and background rather than about personal knowledge or a personal sense of the individual. SPS staff commonly stated that they might call the person in or draw on personal knowledge of the individual in formulating their decision to forward the case for a community assessment.

4.71 Pressure on SPS staff from some stakeholders as they process HDC applications can create pressure to be more cautious in decision making. Many interview respondents mentioned awareness that police and judges may be sceptical of HDC and feel their decisions are overturned when offenders are released before they have served their sentence. In addition, some establishments appeared to treat as exclusions factors which are not technically excluded by legislation, such as offending against children (also known as ‘Schedule 1’ offences) or having a history of sexual offending (regardless of whether the prisoner was required to register as a sexual offender).

4.72 Against this, SPS staff all stated they are under pressure from SPS headquarters to maximise HDC releases. No one claimed there is pressure to bend the rules to increase numbers, but there is a sense that there are targets and individual establishments are accountable for these. Additionally, prisoners themselves and their families can add to this pressure. One respondent said: ‘And you are obviously under pressure to sign these things off or not sign them off and you take the flak from the prisoners, you take the flak from the family and you take the flak from the lawyers who write into say ‘this person has been refused – why?’

#### *HDC Uptake by Prisoners following Parole Board Recommendation*

4.73 Since March 2008, HDC has been available to long term prisoners (sentenced to four years more) who have been recommended for release on licence by the Parole Board at the halfway point of their sentence. As the statistical analysis showed above, only a tiny proportion of the HDC population comprises long term prisoners (0.2% over the entire life of the HDC scheme). Interviews of SPS staff suggest that HDC is not seen as particularly desirable by this group, with respondents suggesting prisoners prefer to wait in custody (which includes open prison for men and the Independent Living Unit for women) until their release on parole. HDC for this group may be perceived as adding a complication, a more restricted version of the freedom which they will soon be getting. The use of HDC with long term prisoners in open conditions (male and female) shows how different the two approaches to community integration are, raising questions about their compatibility. In open conditions, for example, women can sit out in the back gardens of their independent living unit apartments, and work late shifts. HDC would allow them home, but on a curfew restriction. The same is true for men, where the choice between HDC and remaining in open prison comes down to whether easing the transition back home is better achieved by week long home visits or being based in one’s home permanently but on a curfew.

#### *Support while on HDC and Non-standard Licence Conditions*

4.74 There are no formal support services for people on HDC, such as community-based staff who check on or provide a community point of contact for prisoners who have been released. HDC compliance, rather, is remotely monitored mainly by Serco staff who electronically track a person’s adherence to curfews. Even in the absence of any support or community-based monitoring, a number of respondents felt that HDC may provide enough structure on its own to support the prisoner’s attempts to remain law abiding (and curfew obeying). Offender managers and CJSW respondents noted that HDC can, in some cases, increase risk rather than reduce it; for example, where being at home constantly puts a relationship under strain, or where the rambunctious social life of a young person is, due to a curfew restriction, concentrated in the family home – issues also recognised in the wider literature on the impact of HDC for families (see below).

4.75 The main challenge of non-standard conditions identified by interviewees is the lack of enforcement capacity. Enforcement practices differed across prisons: some establishments were quite active in following up by telephone, at least after the initial

scheduled appointment, to ensure a person had attended a meeting; others counted on the community-based service to get in touch with the prison if a person failed to show.

### *Breaches and Recalls*

4.76 Most recalls are on 'technical' grounds, that is for reasons to do with compliance with the curfew or tagging equipment, a finding of the statistical analysis borne out in perceptions of offender managers. This means that when HDC does fail it is not mainly due to criminal activity. Although respondents reported similar procedures for handling breaches and recalls and general satisfaction with their approach to these, the widely differing recall rates among establishments is probably not explained entirely by differences in populations.<sup>20</sup>

### *Relationships with Other Agencies*

4.77 *Serco*. All but one prison was complimentary about the efficiency and reliability of Serco. Overall respondents had an impression of Serco providing a professional and reliable service. In one critical assessment, though, a respondent found the breach information they provided was inadequate for making a decision, and sometimes 'English language skills can be bad'. It was felt Serco's role is in some ways a mechanical one in that they merely monitor and collect information and were neither interested nor authorised to exercise much discretion in reporting potential breaches, or offering support to prisoners.

4.78 *Police*. Police are provided seven days' notice of HDC releases. Most prison staff described relationships with police as generally positive, but most also had experience of situations where breakdown in communications between police and a prison had led to a problem in managing someone on HDC. For instance, police may take a person into custody and remove tags on health and safety grounds without contacting the prison, or arrest a person on HDC due to an outstanding warrant. Such situations may lead to technical breach of HDC conditions which must be managed by Serco and the prison, and this represents an inefficient use of staff time. In a few cases respondents felt these kinds of situations arose out of possible police dissatisfaction with a scheme which means the people they have arrested are back on the streets more quickly than they would have liked. More often, though, respondents perceived police did not always prioritise keeping track of notifications on people being released onto HDC. Prisons which deal with numerous police areas were, perhaps unsurprisingly, least likely to report close working relationships with police. One prison, close to the border with England, felt the English police responded slowly to recall. Police perspectives were not included in the original remit of the study, and such views would be useful in informing any further review of the scheme.

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<sup>20</sup> The National Audit Office (2006) also found wide variance in recall rates in prisons in England and Wales. The different populations held in different prisons as well as divergent operational practices may both be contributing to this.

4.79 *Criminal Justice Social Work*. SPS views on relations with community based social work ranged from reports of close and supportive working relationships to some cases where there were concrete examples of conflict. More typically, many respondents raised medium level concerns about the quality and consistency of community assessments described earlier. Some respondents described wanting to feel they were in more of a 'partnership' relationship with CJSW in the operation of HDC, though this is by definition not how it works given the narrow involvement of CJSW in the completion of the community assessments. The perspective on this relationship from the perspective of CJSW appears later in the chapter (and see also Chapter 7 for discussion of coordination as a general theme).

### *The Purpose of HDC*

4.80 Most of our respondents mentioned both of the acknowledged purposes of HDC, that it was about managing prison populations (more of a pressing day to day matter in some prisons than others) as well as being beneficial for the prisoner. There were both weak and strong versions of the 'being beneficial' argument, the weak version simply emphasising that it was good to get short term, low risk prisoners away from the negative aspects of custody at the earliest possible moment, the strong version stressing the positive potential of HDC if it were combined with a range of supportive measures to facilitate meaningful reintegration back into the community. One prison phrased 'purpose' very ambivalently: 'reducing numbers is the national aim, locally it's about giving people opportunities to serve their time in a non-custodial setting' – and this prison claimed to do reasonably well connecting people on HDC to services in the community. Another claimed that 'testing people in the community' was the 'party line' purpose, conceding prison population management was important.

4.81 The dominant view appears to be, however, that while HDC is mainly 'a tool to reduce prison numbers' being able to be in the community under controlled conditions offers a better chance of integration than waiting out one's time in prison. One respondent summed up the release decision process as identifying people to be released who do not present any threat to the community allowing them to serve their time in the community.

### *Challenges and Proposals*

4.82 Offender managers were asked about the greatest challenges to or best ideas for maximising the positive impact of HDC. The most common responses are as follows:

- Pressure of the numbers: the high population and crowded conditions of some establishments creates internal workload pressure (one establishment reported having to deal with, at one point, 50-60 HDC applications per week). Additionally most establishments reported feeling pressure from the SPS centre to deliver on HDC by maximising release numbers.
- Making HDC available to people serving sentences at the lower end of the eligible range is extremely difficult. Some suggested setting the eligible sentence range higher and focusing on efficient practice for this group.

- Re-visiting statutory exclusions including the lifetime bar from HDC for a single recall. This exclusion was considered to be particularly tough on younger offenders, and it was also noted that people can change a lot in a couple years, and an early recall may not be predictive of a person's future ability to do well on the scheme.
- Ensuring consistent practices across establishments, being vigilant against drift from national standards. Additionally, there was a desire for training for CJSW or joint training between SPS and CJSW and clarification of relationships. Having a specific HDC contact in local authority areas might facilitate the speed of the process.
- Ensuring successful participation in HDC is getting fed back to the courts, perhaps developing greater support for use of a community sentence for a person in future cases.
- Existence of throughcare addiction services is vital but addressing how and whether to enforce participation in the community is an issue. Providing support more generally for those on HDC was also mentioned by some.

## **Views of Other Stakeholders**

### ***Criminal Justice Social Work***

4.83 Senior social worker managers who had HDC as part of their general remit were interviewed in Glasgow, Stirling and the Highlands. As noted, these represented a range of areas including large city, provincial city and rural perspectives respectively, and while illuminating cannot be assumed to typify all social work views on the operation of HDC in Scotland. In the Highlands, community assessments were low in number, greater in Stirling and greatest in Glasgow. In the Highlands and Stirling, assessments are undertaken by criminal justice social teams local to the address being assessed. In Glasgow they are undertaken by a pre-existing centralised bail assessment team, whose core work was the rapid assessment of home conditions for the purposes of granting bail. When HDC was first introduced, Glasgow felt there was an affinity between assessing homes for bail and assessing homes for HDC, with comparably tight turnaround times and need to meet deadlines. Tasking the experienced bail assessment team with HDC assessments was thought preferable to dispersing the work across the city's CJSW teams.

4.84 There is a standard form for community assessments and the issues covered are the same in all areas, although the means by which they are undertaken are not. Assessments entail drawing data from computerised client information systems (on previous and outstanding convictions, compliance with previous orders, the known incidence of sexual and domestic violence and drug abuse). The numbers of people living in the home will be ascertained, whether there is space for the returning prisoner and the views of the householder – their willingness to have the prisoner living there will also be sought. Those doing the assessment are required to inform short term prisoners of the availability of voluntary aftercare, if it is requested by the prisoner.

4.85 In Stirling, requests for HDC assessments are perceived to be a pressure, and social workers do not have time to go out and do them, so generally they will be done by phone, unless there are particular issues that need investigation at the home itself. In the Highlands, there is a sense of intimacy and close connection between the CJSWs in Inverness and their local prison, particularly in respect of addictions issues, which both eases working relationships around HDC, and creates tensions, notably pressure for a fast turnaround, disputes over definitions of risk, over particular releases, and over the varying of curfew requirements. Telephone assessments are considered, but home visits are done, sometimes because the householder has no known phone. In Glasgow, strikingly, all assessments are done on the basis of home visits, not by telephone – a time intensive approach involving much travelling on the part of staff involved.

4.86 Both the Highlands and Stirling teams already possess ‘local knowledge’ of the offender themselves – chances are they will have prepared a Social Enquiry Report on the offender concerned, maybe even in respect of the offence for which he is currently imprisoned. Although the centralised bail assessment team in Glasgow may well have prepared bail reports on some of the individuals on whom they are subsequently asked to prepare HDC reports, in the main they do not have ‘local knowledge’. They augment their information by phone contacts with colleagues in local criminal justice, children and families and addictions teams, who may have up to date intelligence about families which is not (yet) on the database. Sometimes information is also sought from the police, although in Stirling’s case, only for information in respect of domestic violence.

4.87 Community assessment forms do not specifically have boxes for making recommendations for release or not, or specifying conditions for the licence. As noted above, one may express reservations about suitability, but the decision to release is for the prison. In the context of the close and informal relationships between prison and social workers in the Highlands, the latter felt they could say no – but were not always respected. The Glasgow bail workers do see it as their job to assist a householder to say no if the prisoner is not wanted at that address. Most of their reports are accepted, and their perception respected. Stirling, like Highlands, cited memorable instances where it was not. In a handful of Glasgow cases the team is asked for further information.

4.88 There was a clear sense in all three areas of a routine being followed, with very little departure from it, although the Highlands social workers described some very idiosyncratic cases and some complex living arrangements, which do not lend themselves to a simple or clear assessment. On very rare occasions, in Glasgow, offenders wanting HDC in a private home, which proves unsuitable, can be found accommodation in a residential establishment: this, it was felt, was a way of preventing homelessness, and by dint of that, preventing reoffending.

4.89 Those undertaking the assessments in the social work teams in the Highlands and Stirling were qualified social workers. Glasgow’s bail assessment team were social care workers, not qualified social workers. None had been given specific training in HDC assessments, although the form was simple and self explanatory and generally



intelligible in light of National Standards for social work. Nonetheless, Highlands felt that some specific training could clarify specifically what some sections of the form required, and would improve consistency of assessment. No specific training on HDC was given to the Glasgow team, although they were trained more broadly (in-house) in law, policy, assessment (including risk) and report writing.

4.90 There were subtle variations in the social work managers' perception of the purpose of HDC, and of existing and possible expectations of a social work role in relation to it, beyond that of assessment. For one Highland respondent, the purpose of HDC was essentially to reduce prison over crowding, although this was perceived as potentially a good thing for the individual prisoner, because 'prison's not a healthy place to be'. The Glasgow manager was equally clear that HDC had a dual purpose, managing prison numbers and assisting individuals to resettle ('a really good way of testing the ground'), emphasising the extent to which support was not systematically offered. Rather this tended to happen as a result of social workers knowing someone in a household where a prisoner on HDC was living, or bail team members being asked for advice by families involved in HDC assessments. Neither Highlands nor Stirling felt there was much support, informal or otherwise, although Highlands were aware that the prison undertook outreach work in connection with HDC, arranging job centre interviews, for example, before release.

4.91 The Glasgow manager summed up the purpose of community assessment for HDC as follows: 'let's be clear of our role here, we provide information, we provide good information, and if we have concerns we actually have to express them as well'. There was a felt sense that HDC might well be a more effective intervention if it was more formally supported by social work, but given that this was not currently mandated, the manager was happy to perceive success as simply meeting targets and deadlines on community assessments, and achieving a certain level of quality within them. She felt that in the context of anticipated changes to the social work role in respect of the forthcoming community payback order, and of new National Standards, that there may be an abstract case for reviewing the social work role in relation to HDC, but in part because of the structural location in the bail assessment team, HDC was not at present a priority for further development:

*'I mean, I do think, for us, HDC is very simplistic, that's why it's fixed with bail, because it's short, not necessarily resource intensive. We are merely providing information and checking community safety for them, and if I am being honest my target would be that we reduce the number of people on remand, ... prevent people from going into custody in the first place and getting good bail conditions. I still think that is what our priority should be because the majority of those individuals (on HDC) will not be high risk.'*

4.92 For both the Stirling and Highland managers there was a greater sense of incompleteness about HDC, a sense that more could and should be done. For Stirling, HDC could potentially have definite benefits for short term prisoners, could help with reintegration and resettlement, provided support was available. To develop this, it was

felt that the CJSW teams should have more feedback on how HDC worked out in individual cases – at present there is no mechanism for letting social workers know if individuals complete or get recalled, for whatever reason. Stirling believed that there were different understandings of risk in play in the prison and community assessments, and that sometimes their concerns were not respected by the prison – for instance having a prisoner released to a home where, in effect, four people would be living in a one-bedroom flat. Highland went further, believing that the risk assessment done for HDC ought to be more of a composite, with their community assessments drawing on information from the prison-based social workers, which at present is not done. This can be understood as a belief that early release on HDC should be understood more as rounded social work intervention, rather than a ‘merely’ administrative device used by the prison, the corollary of which is that social work should then be more involved in the supervision of prisoners who are released on HDC.

4.93 One respondent in our research recalled that in the early days of electronic monitoring in Scotland there was great scepticism among social workers towards it, but said now ‘I think in Glasgow that we are relatively comfortable with it, and if we felt it was too invasive I can assure you we would hear because our workers would not keep that to themselves’. Reference was made to the fact that in the early days of electronic monitoring a former criminal justice social manager had been an operational manager with Serco, and had helped win credibility for it. There is now negligible contact between CJSW and Serco – information is not sought from Serco to complete community assessments, although the families involved may already be known to the company’s monitoring officers from previous occasions, and their experience is at present untapped. It is also possible that more information sharing between Serco and those doing community assessments would lead to a clearer understanding of how host families and households should be advised to prepare for the experience of HDC. At present there seems to be uncertainty about what preparation consists of, and who should take the lead on it.

4.94 On the basis of this admittedly limited evidence we might tentatively suggest that social work’s position on HDC is ambivalent. They can see potential in it as a form of reintegration and resettlement that they cannot realise and – though not in Glasgow’s case – feel the need to be more formally involved. On the other hand, the question must be asked what might be accomplished by adding social work into a very short period of release. Perhaps a case could be made for this in respect of longer periods of HDC – but for how long, and for what purpose would need to be clarified. Would the formal involvement of a social worker increase the likelihood of completion of a period of HDC, perhaps ironing out difficulties that arise for individuals and families as a result of enforced proximity during curfews? Adding social work into HDC would be resource intensive and would increase the cost of it, completion rates are arguably ‘good enough’ already, without extra input, whatever might seem ‘ideal’.

4.95 However, our evidence suggests that there may already be a fair amount of informal contact between various support agencies and families where someone is on HDC. This is not systematic and our research did not enable us to gauge its extent.

Contact may be via voluntary aftercare, may be made with criminal justice social work, children and families and addictions teams or, in Glasgow's case, the bail assessment team. As noted below families affected by HDC also contact Families Outside. In the case of social work it may be no more than phone contact, or it may be through personal visits made to the household for reasons other than the fact that someone is on curfew there. Social workers may then get drawn into issues involving the tag. Nothing is known about their views on this, or what if, anything, they do informally to help. Elements of practice wisdom may be developing here which are going untapped, and which might help to inform decisions as to whether HDC sometimes requires more formal support. The CJA respondent lends support to the idea that HDC be taken more seriously as a means of integrating released prisoners, albeit using third sector mentors rather than statutory social workers. We recommend that effort should be made to find out when and how informal professional support arises for, or is sought by, families affected by HDC perhaps as part of larger study of how social workers now perceive the usefulness or otherwise of electronic monitoring in Scotland.

### ***Community Justice Authorities***

4.96 To augment the social work perspective on HDC a chief officer of a Community Justice Authority was interviewed. The national CJA coordinator was emailed with a request for the views of any or all CJAs on the topic of HDC. One chief officer volunteered to be interviewed and to share the CJA position on the role of CJAs with respect to HDC and views as to its value. CJAs have no operational role but do have a strategic and financial role in respect of CJSW in local authorities, including the community assessments of HDC. (See Chapter 6 for costs of community assessments.)

4.97 The CJA was strikingly supportive of the potential of HDC – the use of electronic monitoring to augment a release process – while recognising that early release was controversial to both the judiciary and (probably) police, because it was perceived as the return of convicted offenders to the streets 'too soon'. The CJA respondent accepted in principle that early release on HDC was a good thing so long as the purpose behind it was essentially rehabilitative and reintegrative, even for short term prisoners (under four years). It can be used to support release and ease return. It gets people out of overcrowded prisons and into the community a little earlier than might otherwise have been the case, and this in itself was perceived as a good thing. It made less sense to CJAs to use HDC purely as a tool of prison population management, and the fact that this was perceived as having been its original purpose went some way towards explaining why so little thought had been given so far to making HDC a more constructive, integrative experience. Conceived in more integrative terms, the CJA respondent felt that HDC would be particularly useful in aiding the early release of young prisoners and women prisoners. The supportive elements that should be provided in a more integrative version of HDC were not thought of as tasks for qualified social workers, but more as a form of mentoring by third sector organisations such as Apex or Sacro. No reference was made to Includem (See Annex C) or Routes Out of Prison which are already involved in such work, to a very small degree, but in a way which gives credence to the CJA respondent's aspirations.

## Serco

4.98 Serco has been involved in the provision of electronic monitoring (EM) in Scotland since 2005, and in HDC from 2006. The senior manager who was interviewed for this research, speaking for his organisation, sees its involvement in HDC, and EM generally, in purely technical and administrative terms, which are tightly circumscribed by their contract with the Scottish government. It does not get involved in policy discussions with the government as to how EM might best be used, and nor does it get involved with prison or social work in respect of difficulties that might arise for tagged individuals, on any programme. It simply passes information on to these authorities:

*'In terms of HDC, we are informed by the releasing prison of a prisoner being released, the release date, we get a copy of the order which has the address and curfew times on it, as soon as we receive that we would do the induction on the date of release. All we really do is then monitor the client and if there are any breaches or non-compliance issues we directly refer those to the releasing prison and submit a report. ... Once the order has completed then we would go on the day of completion and deinstall the equipment and remove the equipment from the property. That's our involvement from start to finish in a nutshell.'*

4.99 HDC presents no more difficulties for Serco than any other of its EM programmes – core processes and procedures are much the same for the monitoring officers, in all parts of Scotland. Unlike requests for court orders with EM, which may come in unanticipated at the end of each working day, and may be fitted well into the night, release on HDC can be planned in advance, and most inductions take place at approximately 4pm in the afternoon of the release day. This varies a little in respect of locations on the Scottish islands (requiring ferry trips). Bad weather in winter can also delay induction in certain locations. Most prisoners are compliant with arrival times, unless they have gone to the pub on the way home from prison, and are too drunk to have the tag fitted and to understand instructions. This happens rarely, but where it does, the monitoring staff tell the prisoner they will come back the following day, and notify the prison.

4.100 Serco staff rely on the risk assessment done by the prison to guide their own safety: they do not do their own. They make the assumption that the prison will have prepared the prisoner for release on HDC before they arrive at the home to do the induction, and in respect of the technical and administrative aspects of the sentence, believe that prisons do it well. Serco's monitoring officers explain to the released prisoners and any household members present the nature of the induction process, how the monitoring equipment works within the house, and indicate what the curfew requirements are. They then fit the tag. They leave a booklet with information about the equipment, and some helpful contact numbers, including Families Outside and Serco's own switchboard.

4.101 The monitoring staff do not see it as their role to explain anything about the likely experience of being on the tag over the ensuing weeks; their presentation is focused on technical and administrative issues. 'That's where his experience lies and to expect him to do other preparatory stuff for family members .... That just wouldn't happen, it wouldn't be appropriate either.' The monitoring staff would not, for example, explain what Families Outside as an organisation does. They are not trained to know about welfare organisations. If prisoners or other household members do ring the Serco monitoring centre for advice they are referred in the first instance back to the prison rather than Families Outside.

4.102 Serco has a good working relationship with the police, who periodically take a tagged offender into custody, on suspicion, or when a breach has occurred. 'they are very good at informing us, and it's very rare that someone's arrested, and we don't know about it'. Once in custody, the police may remove the prisoner's tag – as noted earlier, reportedly for health and safety reasons – and arrange with Serco to have it collected. Serco accept this procedure and do not express concern about it.

4.103 For Serco, breach is a mere formality when certain criteria are met. The prison is notified in writing that certain violations have occurred, and the decision is left to them. Serco do not notify the prisoner that he has been reported to the prison. The prison does not notify Serco of the decision to breach. Once the prisoner has been recalled, Serco are notified and visit the home to de-install the equipment. Serco had no knowledge of why the breach rate for people on HDC in Scotland was significantly higher than in England.

4.104 Serco was aware that some prisons were seeking to improve the way that they prepared prisoners for release on HDC, and had requested dummy tags and Home Monitoring Units, and training in what to say about them to prisoners. Serco supported this.

## **Offender Perspectives**

4.105 An extensive knowledge base has been established which provides information about the views of prisoners towards HDC and similar post-sentence electronically monitored curfew schemes. The research is biased towards the opinions of those who have experience of HDC or a related scheme, and so little is known about the views of those who have been refused from ever participating in the first place, or those who have decided for whatever reason not to apply. Interviews suggest that few who are offered the chance to apply for HDC decline to do so, however. This section outlines the main issues identified in the relevant literature on offender perspectives of HDC or related schemes. We draw especially on research in England and Wales and New Zealand on the impact of HDC schemes. One of these was the first major evaluation of HDC in England and Wales (Dodgson et al., 2001), in which 256 computer-assisted face-to-face interviews were conducted of HDC 'curfewees'. The National Audit Office (2006) updated information on the curfewees' perspective in its review of the value of different schemes of electronic monitoring. Another source of information comes from a

study of New Zealand's HDC scheme (Gibbs and King, 2003a, 2003b) which involved in-depth interviews of 21 HDC 'detainees'.

4.106 *The main perceived advantage of HDC is getting out of prison.* Over 80% listed this as the primary advantage in the Home Office evaluation (Dodgson et al. 2001). Other, related, advantages included freedom (60%), meeting up with family and getting back home (58%) (Id.: 30). In New Zealand detainees spoke about being released in terms of 'relief' (Gibbs and King, 2003b: 203).

4.107 *Comments from detainees about HDC break down into some major thematic areas around feelings, relationships and the use of time* (Gibbs and King, 2003b). As to the use of time, detainees reported appreciating having time to spend with children and family, but also of an abiding boredom from having too much time on one's hands or feeling 'trapped in the house' (Id.).

4.108 *Being in the community creates both advantages for and stress about work.* Obviously it is possible to have a job in the community while on HDC but not in prison. Over a third of the prisoners in the England and Wales evaluation felt an advantage of HDC was being able to seek work, training or education, and almost one third of the group were actually employed (Dodgson et al., 2001). However, those looking for work felt the curfew conditions impinged on these efforts to find and keep a job (Id.). This was a particular problem for night shift work (National Audit Office, 2006).

4.109 *Released prisoners felt the electronically monitored curfew provided an element of structure that kept them from slipping back into offending* (NAO, 2006). This suggests there can be positive effects of HDC itself, regardless of whether there are other support services in place for released prisoners. (It should be noted however, that HDC in England and Wales appears to involve more contact with agencies while on release than in Scotland – 75% of released prisoners on HDC had met with a probation officer since being released in the Dodgson et al. (2001) evaluation.) Most detainees on the New Zealand scheme were reported to have noticed positive changes in themselves such as positive thinking, increased self-discipline and organisation (Gibbs and King, 2003a). But there were worries that removal of the tag would also remove this as a safety net (Id.).

4.110 *Relationships and family life generally seem better under HDC than when an offender is in prison, but it can add stress as well.* In the England and Wales evaluation, prisoners reported that HDC had either a positive (22%) or neutral effect (67%) on their relationship with a partner; family members interviewed with these curfewees had similar response patterns (Dodgson et al., 2001). Gibbs and King (2003a, 2003b) found similarly positive results, but qualifying this by noting that relationships were made worse where there were past problems in the relationship, the detainee was not sufficiently occupying his or her time or there were restrictions on children's activities outside the home. This last example was picked up in the NAO (2006) research where a curfewee pointed out the inability to play with one's child even in the back garden due to electronic monitoring technology.

4.111 *The chance of release on HDC may create some motivation to behave in prison and engage in prison activities* (Dodgson et al., 2001). Conversely, it might need to be considered whether elimination of HDC schemes would entail a period of worse behaviour in establishments due to the loss of this incentive.

4.112 *Many prisoners wanted more support or information about existing support while on release* (Dodgson et al., 2001). This is a more stated feature in the England and Wales research than in the New Zealand evaluation.

4.113 *The main disadvantage of HDC was the restriction on free movement imposed by the curfew; this may be the cause of high rates of minor breaches.* Many people released on HDC have committed minor breaches of curfew, with the England and Wales research finding the rate to be 61% (Dodgson et al., 2001). The restriction of the curfew may itself create a resentment which builds up a temptation to breach in small ways, with Gibbs and King finding that 'detainees deviated a little if they thought they could get away with it...[for example] by being 10 or 15 minutes late home from a permitted outing' (Gibbs and King, 2003b: 204).

## **Family Perspectives**

### ***Involvement and Support in Scotland***

4.114 There is no formal support for families who are living with someone released on HDC in Scotland. The absence of support for families both before (to provide information and advice about HDC) and during release (if problems arise) is an issue identified by SPS itself. This has resulted in efforts to improve communication through an information pack for prisoners and their families. There is also a proposal to set up a dedicated helpline for prisoners.

4.115 Families do come into contact with the HDC process in a number of ways. They will be contacted by CJSW during the community assessment process. Generally, this will be the first time they will come into contact with 'the authorities' dealing with HDC, and may have questions and concerns about how it works. CJSW is not funded to provide support to families, however. Once released, family members are most likely to call CJSW or the prison if problems arise. Additionally, Families Outside, a voluntary sector support organisation for families of prisoners, receives numerous calls about HDC by concerned relatives. Families Outside counted nearly one in six calls to its helpline during calendar year 2009 was about HDC (an 81% increase in calls on this topic from the year before).

## ***International Research on Issues for Families***

4.116 Most evaluations of HDC which study the perspectives of offenders, also include interviews of family members. In addition to the research from England and Wales and New Zealand already described, a comprehensive literature review (Martinovic, 2007) of research from English speaking jurisdictions fills in the perspective of the family experience, identifying a set of common issues. The evaluation of HDC in England and Wales (Dodgson et al., 2001), involved 46 computer-assisted interviews of family members; the New Zealand study (Gibbs and King, 2003a, 2003b) involved more in-depth interviews of 21 'sponsors' (which includes family members and unrelated house- or flatmates).

4.117 *Family members who had supported a prisoner's release to their home are mainly positive about HDC.* All research on family perspectives of HDC (and related schemes) has been conducted with those who have agreed to support a prisoner's release; this means the views of those who have declined to support the release of a family member are under represented in the research. Nevertheless, having a person in the home rather than in prison is seen as a strongly positive feature of HDC, partly because it allows the person to maintain contact with children and have continuity in a relationship with a partner (Dodgson et al., 2001).

4.118 *The most typical family members who host people released on HDC are female spouses/partners and parents (Martinovic, 2007).* This pattern appeared to be the same for Scotland as identified in our interviews of offender managers and outside stakeholders. Family support planning may need to take account of particular issues for these kinds of family members. During the interviews for this research, respondents raised concerns about how curfew conditions can put pressure on parents (and grandparents) when young people have large groups of friends in the house until late at night.

4.119 *Family members can feel coerced into supporting an HDC application, and those who do not want a prisoner to be living in their home may feel hesitant about confiding this information to people conducting home assessments (Gibbs and King, 2003a).* Interviews of CJSW and SPS staff suggested this can happen in Scotland. CJSW staff felt sometimes that a family member's persistent failure to be at the residence during a scheduled visit for a community assessment – which necessitated an unsuitable address finding – was the result of not wanting to host a released prisoner but not feeling able to confront this issue head on.

4.120 *Family members can feel they too are under surveillance and have to constantly be on their best behaviour, raising stress levels in the household (Martinovic, 2007).* Research has shown family members can feel both imprisoned in their own homes (to keep a person company, for example) and like a jailer (responsible for reporting licence breaches to the authorities) (Gibbs and King, 2003a; Martinovic, 2007).



4.121 *Family members are subject to extra burdens as a result of HDC.* For example having to take the released prisoner to and from different places, having to do all errands outside the household outwith curfew hours, and even providing financial assistance to the person under curfew (Martinovic 2007). Family members may have to give up their own leisure time and interests while supporting the offender (Gibbs and King 2003b). Findings from a small-scale survey conducted by Families Outside in Scotland<sup>21</sup> echoed this finding from the international literature, with about a third of respondents saying they had concerns about keeping their relative out of trouble and occupied during curfew, and nearly a half stating that keeping the person home during curfew was a concern. This conveys the sense of responsibility family members can feel for the offender.

4.122 *HDC schemes which allow a person to be on curfew for a year or more are particularly burdensome and stressful for families (Gibbs and King, 2003a).* This issue is not yet relevant for Scotland where the maximum period on HDC is six months, but could be relevant if extending this maximum is considered in the future.

4.123 *Despite the stresses on families of HDC, many families feel the burdens of HDC are worth it (Gibbs and King, 2003a).* Having a family member back home is the main offsetting advantage, but some families saw independently positive effects as well. Others felt the restrictions of the curfew meant a person had to 'genuinely adopt a pro-social lifestyle, which include[d] remaining drug and alcohol free' (Martinovic, 2007). Martinovic's literature review covered a number of American programmes where there is regular drug testing, which is not a standard feature of the schemes in the UK. Still, respondents in the England and Wales evaluation found that the curfew conditions had the beneficial effect of allowing more time with friends and family (Dodgson et al., 2001).

4.124 *Families desire and benefit from having support for HDC.* The New Zealand scheme included Home Detention Officers who monitored and provided support to offenders, but also were a point of contact for families (Gibbs and King, 2003a). Evidence from Families Outside in Scotland suggests families feel they have inadequate support and information and would also appreciate better lines of communication and resources to help them once a person is released (Ibid).

## **HDC Summary**

### ***Quantitative Analysis***

4.125 Since it was introduced in 2006, use of HDC has grown steadily. The average daily population on the scheme during the 2006-2010 study period is around 330. Most people who are released on HDC successfully complete their period on licence (77%), though the fact that one in five were recalled suggests room for improvement in making release decisions, managing those on release, or both.

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<sup>21</sup> Presentation to the Scottish Association for the Study of Offending Glasgow branch, 5 November 2009 [www.sacp.org.uk/SACP%20Docs/2010/SASOhomecurfews.pdf](http://www.sacp.org.uk/SACP%20Docs/2010/SASOhomecurfews.pdf)

4.126 The age profile and gender balance of the population on HDC is broadly similar to that of the overall prison population, and fluctuations in use of HDC appear to have followed fluctuations in the prison population overall. There is slightly more use, proportionately, of HDC for women than men, which is likely to reflect the different (generally less serious) offences for which women are in prison.

4.127 The offences and sentence lengths of those on HDC show that in general those released on HDC have a less serious offending profile than the overall prison population. The overall prison population has a higher proportion of people imprisoned for violent offending, while the HDC population has a relatively high proportion of people whose offending is drug related (almost a quarter of HDC releases during the 2006-2010 period).

4.128 There are observable differences in both the number of releases and recalls between different prison establishments. These differences cannot be attributed entirely to differences in the populations of prisons. There is some statistical evidence that prisons experiencing more intense levels of crowding are also making more proportionate use of HDC suggesting, in line with interview data, that HDC plays a key role in reducing population pressures in the prison system.

4.129 Recalls are not generally due to new warrants, but to violations of curfew conditions, although some recalls for offending while on HDC may be not recorded in a way that makes it possible to identify them as such.

4.130 Younger people are more likely to be recalled than older people. This pattern is similar to most other jurisdictions, but raises questions about the appropriateness and community support needs of this group (see Annex C for an example of a model of supporting young people on HDC). In addition, while most people on HDC come from areas characterised by social deprivation, recall rates are higher for those in the most deprived areas, suggesting investigation of the support needs of those released to the most marginalised places.

### ***Qualitative Analysis***

4.131 *Relationships and coordination.* Good relationships exist generally between SPS and police and Serco but there is some room for improvement in the relationship with CJSW. This latter issue largely reflects the subordinate role CJSW reported having and the lack of involvement once a prisoner is released on licence. Some implications of under-optimised working relationships are difficulty getting hold of information useful to making release decisions, and a certain lack of mutual understanding and trust between agencies, particularly in interpretations of risk.

4.132 *Workload of HDC.* Much effort and time necessarily goes into the decision making process for HDC, but the level of effort required for each case raises questions about its value for those on shorter sentences. There are opportunity costs for using HDC with prisoners who may ultimately be released on licence for a few weeks as staff

might more usefully be deployed on other tasks that have a greater impact on prison aims.

4.133 *Risk Assessment.* Substantial resources are devoted to risk assessment but questions remain about the adequacy of the process. First, the SPS Prisoner Supervision System operates as a de facto initial assessment of risk without explicit evidence to provide a basis for linking institutional supervision needs with community risk. This has led to perceptions among external and internal stakeholders of both too much and too little concern with public protection issues. As noted this affects interagency trust and communication. It may also be one factor in varying approaches to addressing breaches and making recalls across establishments. Given the significant consequences of HDC recall, on barring a person for their entire lifetime from HDC and adding a black mark to one's record, consensus on best practices for risk assessment is paramount.

4.134 *Purpose of HDC.* The role of HDC in easing pressure on prison numbers is clearly felt to be the primary purpose of HDC, even though there is widespread support for the idea, across stakeholder groups that it could work to improve reintegration of offenders. However, the current organisation of HDC – with minimal partnership involvement of other agencies, lack of systematic formal support while on release, management information focusing on numbers going through the process rather than outcomes – as well as our statistical analysis suggest that population management is the priority aim, and other objectives may be difficult to achieve or monitor. Some, including offenders in the research literature, felt that HDC itself has a protective or reintegrative effect. However, a comprehensive meta-analysis of HDC schemes found reduced reoffending associated only with schemes that offered additional support (Marklund and Holmberg, 2009).

4.135 *Offender and Family Perspectives.* The literature shows strong support for HDC as a scheme which allows family members to come home sooner than would otherwise be possible. However, perceived problems of HDC have to do with occasionally feeling coerced to support a relative's application for release, the stress for offenders and families of the released person being confined in the home for 12 hours a day, and the extra burden felt by families who have to support the person on a curfew.

4.136 *Recalls and Breaches.* Whatever it may mean for an individual prisoner, and whatever it may say about the limits of risk assessment, in systemic terms, recall cannot simply be understood as failure. The possibility of recall from HDC as a result of breach is designed into the system of early release, it constitutes a deterrent element without which the process may not work, or not work as well. All forms of conditional release from prison include a mechanism for returning the non-compliant to the institution (even if not in the first instance of breach). While it would inevitably be hard to quantify and to disentangle from other influences, some individuals get through the full duration of their HDC licence because they are deterred by the prospect of recall – in that sense the threat of recall serves the interest of effectiveness.

4.137 While all prisons had similar procedures in place to address breaches, there seemed to be variations in practice around recall decision. The high rate of recall which varies between establishments, coupled with the fact that recalls generally are due to technical breaches, suggest the use of recall is perhaps not being optimised. This issue would be an important area for consideration and improvement. Anecdotal information (see Annex C) shows how a significant breach of curfew may not be a sign of failure, and perhaps more centralised monitoring of patterns of breaches is merited.

## **5. THE OPEN ESTATE**

### **Statistical Analysis of the Open Estate**

5.1 The statistics provided in this section refer to SPS' Open Estate which comprises two sites, Castle Huntly and Noranside. The statistical analysis does not include any reference to the Independent Living Units at Cornton Vale (see discussion of these in Section 5.2).

5.2 As with the analysis of HDC, the statistics presented here cover the period from the third quarter (July-September) of 2006 through the first quarter (January-March) of 2010. Admission to the Open Estate was identified by locating prisoner transfers which showed a prisoner entering the Open Estate from any closed establishment.<sup>22</sup> Details of prisoners absconding from the Open Estate were also provided by JASD.

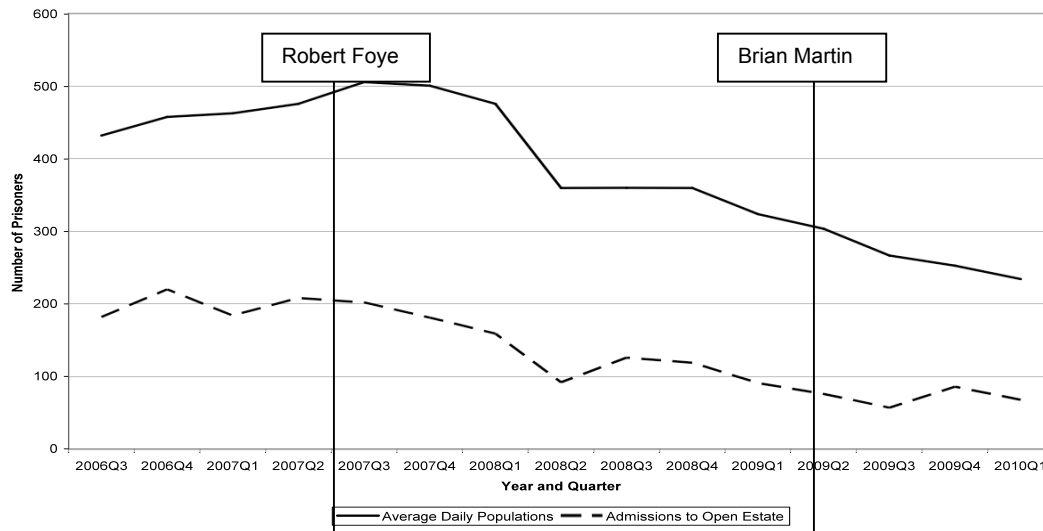
5.3 A total of 2,051 transfers to the Open Estate were recorded over the period of interest. These admissions involve a total of 1,985 individual prisoners with 66 prisoners recorded as entering the Open Estate on two separate occasions.

5.4 Figure 5.1 provides an overview of the level of use of the Open Estate between July 1 2006 and 31 March 2010. Irrespective of whether use is defined through the Open Estate's average daily population, or through the number of prisoners admitted to the open conditions, a pattern of a steady decline in use can be seen over the period from the middle of 2007 onwards.

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<sup>22</sup> In mid 2007 Castle Huntly and Noranside, formerly treated as separate establishments in SPS data, were reclassified. Both institutions are now identified by the single term 'Open Estate' and have a single code. This reorganisation resulted in the recording of a series of prisoner transfers from either Castle Huntly or Noranside to the Open Estate. As these transfers did not involve a change in prisoner conditions, they were removed from the data prior to analysis.

**Figure 5.1: Average Daily Population and Admissions to Open Estate 2006 to 2010**



5.5 The vertical lines in Figure 5.1 indicate when the high profile absconds of Robert Foye and Brian Martin occurred. It is notable that both of these events are followed by falls in the number of prisoners admitted to the Open Estate, a change which impacts on the overall number of prisoners held in the Open Estate.

5.6 The use of administrative data means it is difficult to calculate exactly how much time an individual has spent in open conditions (a prisoner's total time in the Open Estate may be made up of several 'episodes' in open conditions which are punctuated by breaks, for any number of reasons). Table 5.1 gives a breakdown of the length of time a prisoner remains at the Open Estate, during their first stint in open conditions. These figures are based on those admitted to the Open Estate between July 2006 and March 2010, who are recorded as having completed their first stint (before being liberated, returned to closed conditions, or having their time in open conditions interrupted for another reason) prior to the data being provided for analysis in October 2010.<sup>23</sup> These data suggest that average first stints in the Open Estate are generally relatively short with just over 55% of prisoners serving less than six months in their first period in open conditions.

<sup>23</sup> Only 70 of the 2,051 transfers to the Open Estate between July 2006 and March 2010 involved prisoners who were still serving their first stint in open conditions by October 2010.

**Table 5.1: Time Spent in the Open Estate for Those Admitted Between 2006 and 2010**

<b>Length of First Stint in Open Estate</b>	<b>Percentage of Prisoners</b>
Under 3 Months	32.8
3 Months to < 6 Months	24.8
6 Months to < 9 Months	17.0
9 Months to < 12 Months	10.2
12 Months to < 15 Months	7.2
15 Months to < 18 Months	3.3
18 Months to < 21 Months	2.3
21 Months to < 24 Months	2.0
24 Months and Over	0.4

*N=1,981 (70 prisoners admitted to the Open Estate during the study are excluded because they are still present in the Open Estate and so details of their total time served are unknown)*

### ***Characteristics of Prisoners Admitted to the Open Estate***

5.7 Table 5.2 provides a break-down of those transferred to the Open Estate by age, main offence, and sentence length prior to transfer. Of the 2,051 admissions to the Open Estate between July 2006 and the end of January 2010, just under half involved a prisoner over 30 at the time of transfer, with one in every twenty prisoners over 50. Those admitted to the Open Estate are also generally serving long sentences with nine out of every ten prisoners serving sentences of two years or more, and over 50% of those joining having sentences of four years or longer. In terms of convictions, around four out of every ten people admitted to the Open Estate are serving sentences for violence. In contrast, only around 12.5% of those admitted to the Open Estate are serving sentences for Crimes of Dishonesty, crimes involving Motor Vehicles or Vandalism and Fire-raising.<sup>24</sup>

<sup>24</sup> The discovery that 8% of those transferred to the Open Estate have their main offence recorded as 'Offence Unknown' provides a concrete example of the difficulties of using administrative data for research, an issue raised in the methodology chapter.

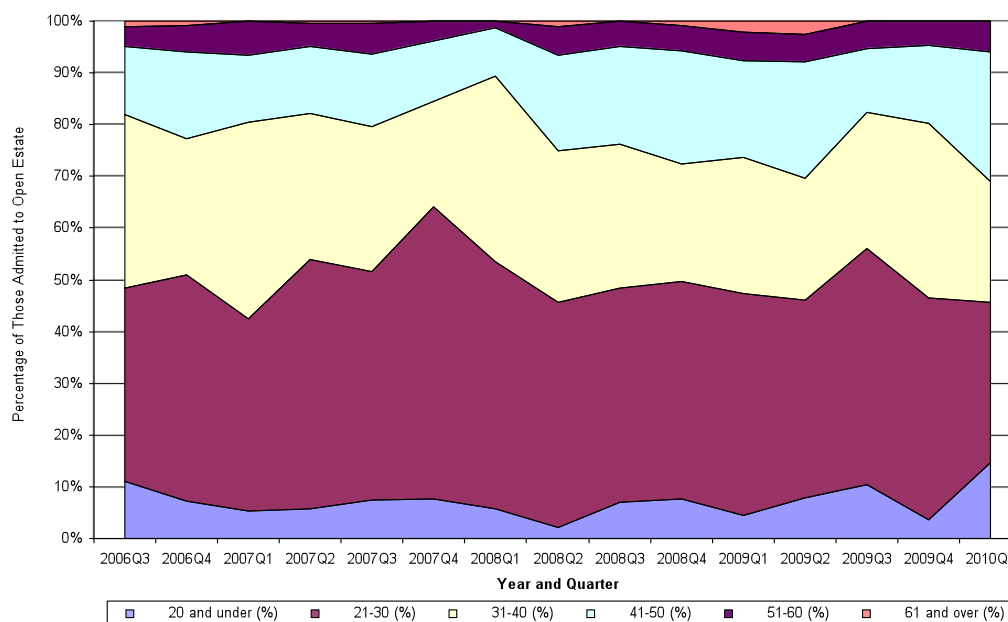
**Table 5.2: Open Estate Transfers 2006 to 2010 by Prisoner Age, Main Offence and Sentence Length**

<b>Prisoner Characteristic</b>	<b>Percentage of Prisoners Transferred to Open Estate</b>
<i>Age Group</i>	
20 and under	7.1
21-30	43.5
31-40	28.8
41-50	15.3
51-60	4.7
61 and over	0.6
<i>Main Offence of Conviction</i>	
Crimes of Dishonesty	6.9
Crimes of Indecency	0.1
Fire-raising, Vandalism etc	1.1
Motor Vehicle Offences	1.5
Non-Sexual Crimes of Violence	41.9
Other Crimes	35.7
Miscellaneous Offences	4.5
Other Jurisdiction Charge	0.3
Unknown Charge	8.0
<i>Sentence Group on Release</i>	
< 6 Months	0.1
6 Months <12 Months	0.3
12 Months <18 Months	3.4
18 Months <24 Months	5.3
24 Months <36 Months	23.7
36 Months <48 Months	13.0
48 Months and over (including lifers)	54.3



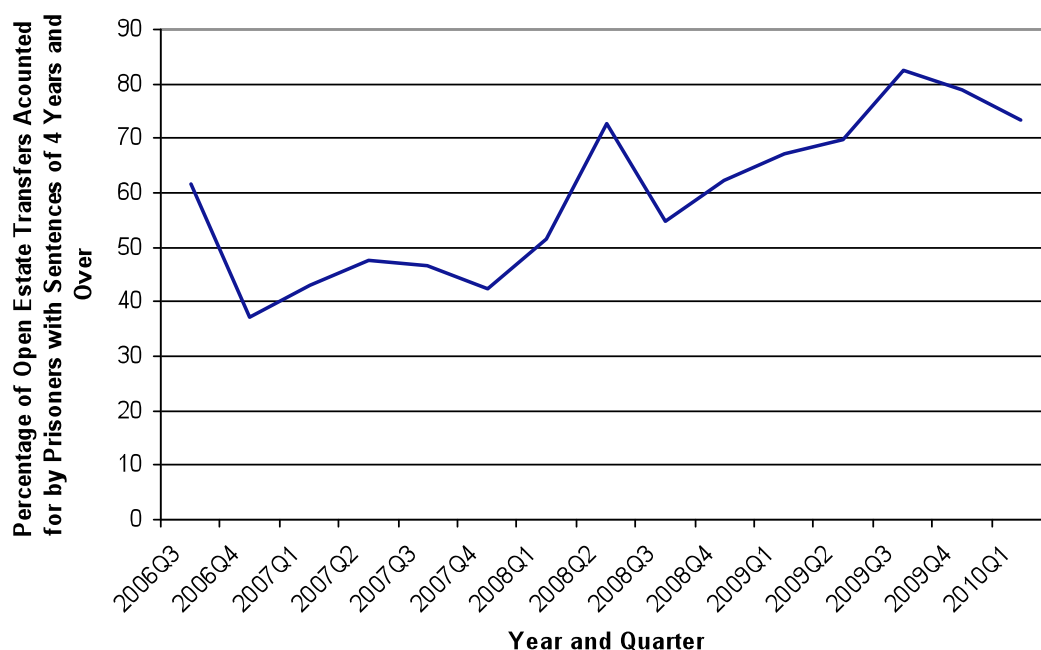
5.8 Although the offence profile of those joining the Open Estate appears pretty constant over time, the profile in terms of age and sentence length has changed markedly since the middle of 2006. Figure 5.2 shows the age distribution of those admitted to the Open Estate in each quarter since July 2006, showing that the age profile of those admitted to the Open Estate is becoming older. For instance, those over the age of 40 accounted for 18% of those admitted between July 2006 and the end of March 2008, but over a quarter of those admitted between April 2008 and the end of March 2010.

**Figure 5.2: Age Profile of Those Admitted to the Open Estate 2006 to 2010**



5.9 A pattern similar to that shown with age can be seen with regards to the length of sentence being served by those admitted to the Open Estate. This 'aging process' is best illustrated by considering the proportion of those who were admitted to the Open Estate in each quarter who were serving sentences of 4 years and over (including life). This is shown in Figure 5.3. Between July 2006 and March 2008, this group accounted for 47.1% of prisoners joining the Open Estate, in the two years after the end of March 2008, this proportion increased to 70.2%.

**Figure 5.3: Proportion of Those Admitted to the Open Estate Serving Sentences of 4 Years and Over**

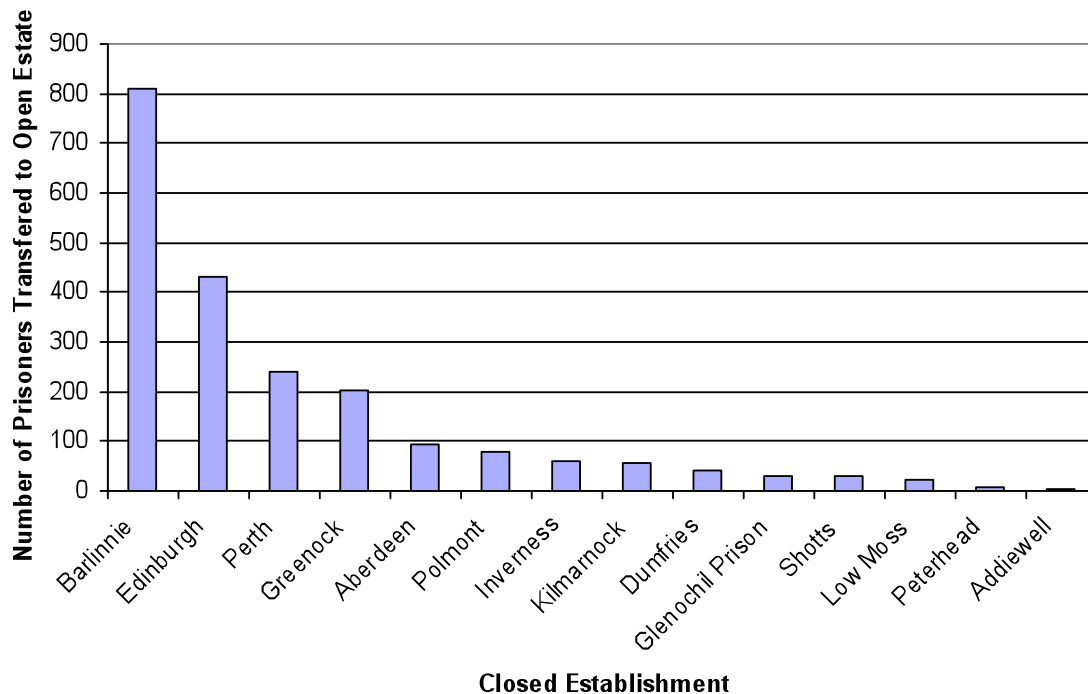


5.10 Figure 5.4 provides details of which closed establishment prisoners were at directly prior to moving to the Open Estate. As with HDC releases, the absolute number of prisoners an establishment transfers to the Open Estate will be affected by many factors, notably the size of the closed establishment's population and their profile of prisoners with regards to eligibility, and suitability for programmes run at the Open Estate. A strong positive correlation (Pearson's  $r = 0.70$ ,  $p\text{-value} < 0.01$ ) between the number of Open Estate transfers and the average size of a closed establishment population suggests this is a major factor in explaining the pattern shown in Figure 5.4. While a strong association (Pearson's  $r = 0.77$ ,  $p\text{-value} < 0.01$ ) exists between the absolute number of prisoners a closed establishment has transferred to the Open Estate, and the number of prisoners they have released on HDC, this relationship is not significant once the size of the closed establishment's population is controlled for.

5.11 Figure 5.5 ranks closed establishments by the ratio between the number of prisoners they transfer to the Open Estate and their average daily population (ADP) during the study period. This suggests that after controlling for the size of a closed establishment's population, there remains substantial differences in how many prisoners an establishment transfer to open conditions. It is interesting to note that the local prisons (e.g. Greenock, Barlinnie, Edinburgh and Aberdeen) appear to have higher rates of open transfers relative to their ADP than the prisons which have high concentrations of long term prisoners (Glenochil, Shotts, Peterhead). Part of this is likely to be due to the fact that overall the transfer populations from the local prisons will be serving shorter sentences and so there will be more turnover of this population through

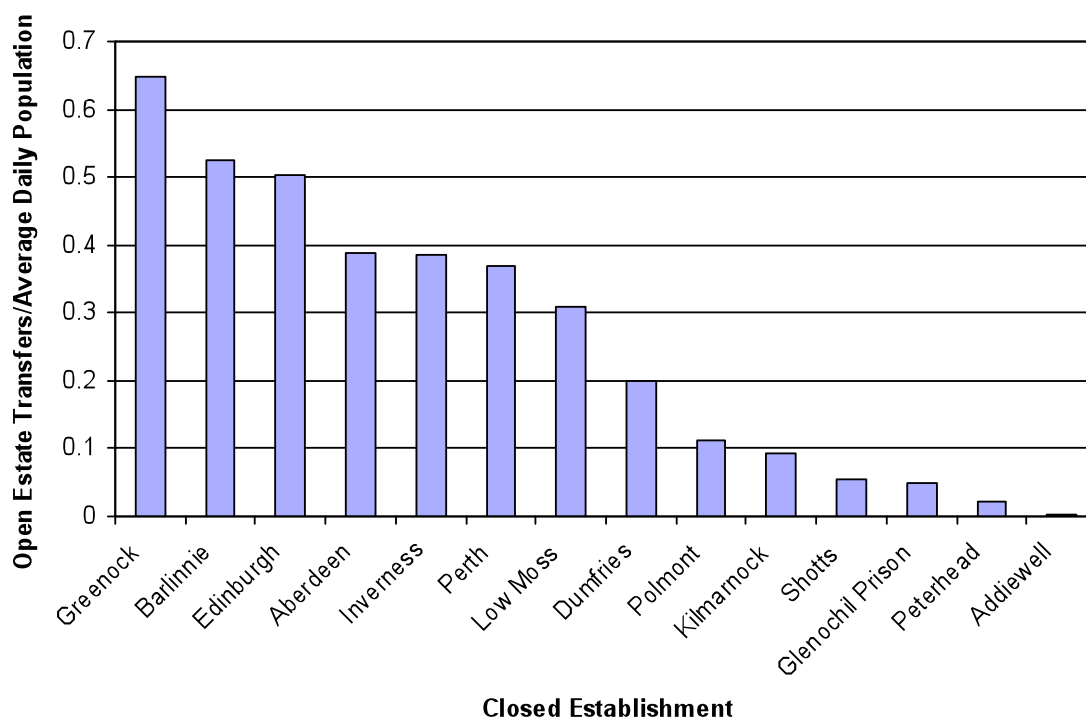
the Open Estate. However, the data alone cannot tell us the extent to which the observed pattern is due to this cause. Some prisoners and staff on the Open Estate stated in interviews that they felt as if people can get 'stuck' at the long term prisons, and that it can be difficult to progress to open conditions from them. A small number of interview respondents speculated that the long term prisons have their own well established regimes for moving prisoners through a sentence and back to the community and may not see a distinctive value added by the Open Estate. At this point, these comments remain speculations, but they do suggest future lines of inquiry.

**Figure 5.4: Total Number of Transfers to Open Estate 2006 to 2010 by Closed Establishment**



Data for Addiewell only covers period from 1<sup>st</sup> January 2009.

**Figure 5.5: Ratio of Open Estate Transfers to Average Daily Population 2006 to 2010 by Closed Establishment**



Data for Addiewell only covers period from 1<sup>st</sup> January 2009

### ***Absconds and Recalls from the Open Estate***

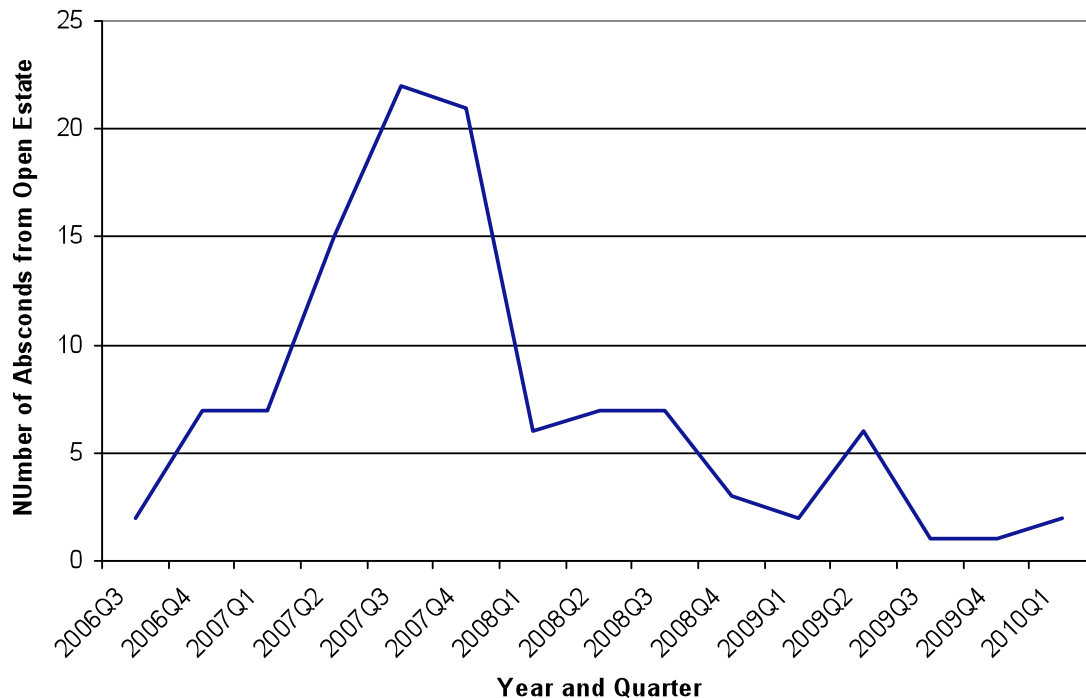
5.12 Overall, the number of absconds from the Open Estate is very low. There were a total of 109 absconds between Quarter 3 2006 and the end of Quarter 1 2010.<sup>25</sup> These low numbers do not allow a statistically robust analysis of detailed patterns of absconding over time. However, it is possible to make a couple of general observations, namely that absconds are generally short and most often occur early during a prisoner's time in the Open Estate.

5.13 Figure 5.6 provides details of how many absconds from open conditions occurred in each three month period between Quarter 3 2006 and the end of Quarter 1 2010. Overall, Figure 5.6 reflects the low number of absconds (which averaged 4.4 per quarter over the study period). However, there was a noticeably higher number of absconds in 2007. This period of higher than expected absconds corresponds to the time when the average daily population of the Open Estate was at its highest (see Figure 5.1). However, the number of absconds during this period appears high, even when the higher overall population is considered.<sup>26</sup>

<sup>25</sup> This gives an average of 4.4 absconds per quarter although the number of absconds was notably higher in 2007 (15 in Quarter 2, 22 in Quarter 3 and 21 in Quarter 4).

<sup>26</sup> The ratio (absconds/average daily population)\*100 in open conditions was 0.30 in 2007, and 0.11 across all other time periods.

**Figure 5.6: Total Absconds from the Open Estate 2006 to 2010**



5.14 During the period under investigation, there were a handful of lengthy periods of abscond (three prisoners absconded for more than a year). However, generally absconds are very short with just under half of all absconds lasting for a week or less, while only one in four absconds lasted longer than 28 days.

5.15 Table 5.3 provides details of absconds, broken down by how long a prisoner was in open prison. Absconds generally appear to occur early during a prisoner's time in open conditions. Around six out of every ten of the absconds occurred in the first six months of a period in open conditions, while only one in ten absconds occurred after six months. However, it is important to note that this pattern is not simply a result of how fewer people spend longer periods of time in the Open Estate. Table 5.3 attempts to contextualise the pattern of absconds using the length of a prisoner's first stint in open conditions (from Table 5.1). This 'conditional' abscond rate still suggests an inverse relationship between the length of time a prisoner has spent in open conditions and their likelihood of absconding.

**Table 5.3: Time Served in Open Estate Prior to Abscond 2006 to 2010**

Time Period	Number of Absconds	Number of First Stints in Open Conditions of at Least this Length	Conditional Abscond Rate (Percentage)
Under 3 Months	69	1981	3.5
3 Months to < 6 Months	28	1331	2.1
6 Months to < 9 Months	7	840	0.9
9 Months to < 12 Months	3	503	0.6
12 Months to < 15 Months	2	300	0.7
15 Months to < 18 Months	0	157	0
18 Months to < 21 Months	0	92	0
21 Months to < 24 Months	0	47	0
24 Months and Over	0	8	0

***Return to Closed Conditions***

5.16 Given the low number of absconds, and consequent limited ability to incorporate these in a statistical model of open prison performance, we considered other variables that might be more illuminating. One of these is the return of a prisoner to closed conditions, which often happens for disciplinary reasons. The data we were supplied by JASD did not include detailed information on returns to closed conditions, but interviews of staff at the Open Estate suggested that there is a reasonably regular stream of prisoners who are sent back to closed conditions for disciplinary reasons.

5.17 Upon inquiring into this issue, the Open Estate provided information from its own records on returns to closed conditions. The Open Estate recorded 350 transfers from closed prisons to the Open Estate over a one year period (from April 2009 through March 2010) with 82 of these prisoners subsequently returning to closed conditions. This represents an average of 1.6 returns to closed conditions per week or an overall return rate for this period of 23%. We hesitate to draw any strong conclusions from this data, not having analysed it ourselves, but this information clearly indicates the importance of tracking returns to closed conditions by reason and closed establishment.

**Qualitative Analysis of the Open Estate**

5.31 The Open Estate has remained an important part of the Scottish Prison Service (SPS) although the size of the male Open Estate has fluctuated over time reducing to two prisons (Noranside and Castle Huntly) by 2000, which merged in 2007 into a single prison consisting of operations at the two sites. The Open Estate has been integral to the SPS and its role in the preparation of prisoners for release has been the focus of recent examination (HM Inspectorate of Prisons, 2008; Scottish Prisons Commission, 2008). While traditionally forming an important element in the progression of prisoners from confinement to liberty (both long and short term – see statistical analysis), recent

attention has brought some of the issues around the role and function of the male Open Estate into focus (Scottish Prisons Commission, 2008; Spencer, 2009; Scottish Government, 2010).

5.32 The Open Estate has experienced a significant reduction in the prison population, sitting currently at just over 50% of capacity; a marked drop in numbers from 2006 when a policy of continuous cell occupancy was operational in order to maximise occupancy levels. While the overall prison population currently stands at around 8,000, the Open Estate currently holds less than 2% of prisoners.

5.33 The prison estate for women utilises Independent Living Units (ILUs) located outside the grounds of HMP and YOI Cornton Vale. More recently, women prisoners are able to access two Community Integration Units (CIUs) based at HMP Aberdeen and Inverness. The CIUs accommodate a small number of women (eight in Aberdeen; six in Inverness), both short and long term prisoners. Women are progressed at Cornton Vale and can remain at the units until release, accessing work or college placements as appropriate. They can offer both supervised and unsupervised community access (for up to one year). The CIUs are a joint venture between SPS and community partners, facilitated by Northern Community Justice Authority<sup>27</sup>. In October 2010, a reduction in women assessed as suitable for the ILU at Cornton Vale resulted in two of the houses that make up the unit being closed (partly due to the opening of the CIUs at Aberdeen and Inverness).

5.34 There are two key issues that require consideration when examining the operation of the Open Estate: the regime (Reid Howie Associates, 2003) and risk management (Spencer, 2009; Scottish Government, 2010). These two features are inter-related but work in different ways to determine the processes in place within the open prison and how they impact on prisoners' experiences of reintegration. As one prisoner pointed out, while much attention is given to risk management, 'in many ways it is the prison regime that mitigates for, or against risk'.

5.35 Inter-agency/partnership working is important both within the prison (Reid Howie Associates, 2003); and in linking prisoners into the community outside the prison (Audit Scotland, 2005; Scottish Prisons Commission, 2008). However, while focusing on the relationship between prisons and the community, it is also notable that open prisons in many ways, attempt to be part of the communities in which they are located, and to which prisoners enter and exit through the process of work and education placements, and home leave.

5.36 While there was an acknowledgement that multi-agency working was important, it was also pointed out that this can be a challenge, particularly when agencies 'don't all speak the same language'. Social workers did not always feel 'part of the team' inside the prison and commented that it was frustrating to have so little time working with

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<sup>27</sup> The Northern CJA brings together seven local authorities: Aberdeen City Council, Aberdeenshire Council, Comhairle nan Eilean Siar (Western Isles), Highland Council, Moray Council, Orkney Islands Council and Shetland Islands Council.

prisoners, given the increased emphasis on report writing and risk assessment (see also Social Work Inspection Agency, 2010).

5.37 Relationships with community agencies outside the prison could vary and in some local authorities the resettlement process and opportunities were better than others. Clearly the relationships between the prison and community based organisations is important in establishing smooth experiences of resettlement (also commented on by Scottish Prison Service, 2008). While the prison attempted to develop these relationships, the barriers which often existed, and continue to do so, could impact on prisoners' experiences.

5.38 The process of reintegrating long term prisoners has been acknowledged as crucial, requiring a period of time spent in open conditions to support the provision of training in 'life-skills', this has been considered less of a necessity for short term prisoners, who will not have been out of circulation for a long period of time (Scottish Prisons Commission, 2008). While both sites of the Open Estate provide opportunities for long term and short term prisoners to access all available resources on the basis of assessed need, Noranside, in particular, attempts to address the needs of long term prisoners' development of life skills through the Independent Living Unit located at the prison, and programmes aimed specifically at the development of life skills.

### ***Transferring to Open Conditions***

5.39 In response to some isolated but serious absconds and a sense that the Open Estate was being used to relieve crowding elsewhere in the prison system, there have been significant changes in relation to risk management and the Open Estate during the last 18 months with a more 'robust' process now in place. Prisoners are processed by a risk management board in the closed establishments with a secondary check implemented in the Open Estate. It was indicated that the efficiency of the process has been improving; as a result, the process now takes longer, but is better at achieving what the Inspectorate of Prisons (2008:2) described as creating a more positive atmosphere where staff are able to do 'better work with better prisoners'. Arguably, the process in place for long term prisoners has always been 'robust', with a longer track record of identifying and addressing the needs of long term prisoners within the Open Estate compared to short term prisoners. It is a requirement that a prisoner meets the requirements of 'low supervision' before they will be considered for open conditions. It was acknowledged by prison managers that prisons are likely to have less information on short term prisoners with which to make such assessments.

5.40 The process of transferring a prisoner to open conditions begins in the closed prisons, with about 50% of transfers originating from a request from the prisoner who will generally be made aware of this possibility by information posted in the closed prison. Prisoners at Castle Huntly have designed an information booklet which will be distributed to prisoners in the closed estate (*The Open Times: A Guide to Community*



*Access and Home Leaves at the Open Estate in Scotland*)<sup>28</sup> aimed at highlighting some of the benefits and challenges of home leave and providing advice based on the experiences of other prisoners.

5.41 Assessment reports are requested from a range of sources within the referring closed prison (officers, managers, social work, education, work placement), which will be collated along with a home background report from community based social workers and a decision will be taken on this basis of these assessments by the Multidisciplinary Progression Management Group (MDPMG).

5.42 While previously, there was a requirement for prisoners to do a certain length of time in closed conditions before moving to open, this is no longer the case, with the effect that short term prisoners can move to the Open Estate in a relatively short period of time (potentially after eight weeks in closed conditions). For long term prisoners (those serving four years or more), there is a requirement that they will do a certain period of time before moving to open, depending on sentence length and risk level.

5.43 The Integrated Case Management (ICM) process appears to be important in identifying and addressing needs prior to release and along with the personal officer scheme has been described as 'fully operational and effective' (HM Inspectorate of Prisons 2008:2). In general, the needs of prisoners will have been acknowledged within closed prisons with programme completion a requirement before moving to open conditions, where considered appropriate.

5.44 One of the difficulties with this process can be the time taken to get assessments carried out to ascertain the suitability of the prisoner for open conditions (also acknowledged by Social Work Inspection Agency, 2010). While a number of assessments will be conducted within the prison, delays can result in obtaining home background reports which are carried out by community based social workers. It was noted that these reports can take up to six weeks for completion, meaning the whole assessment process can take up to three months. Not all prisoners who are suitable will elect to go forward for this; for some, the potential challenges of open conditions mean they prefer to complete their sentence in closed conditions.

5.45 Closed prisons do not have anything specific in place to support prisoners moving to the Open Estate, also commented on by Reid Howie Associates (2003), but it is acknowledged that clear communication on what to expect is important. As the Reid Howie Associates (2003) report indicated, prisoners obtain information on the Open Estate from a range of sources, including other prisoners who have been returned to closed conditions, and misinformation can often mean they arrive with unrealistic expectations. In an attempt to ensure prisoners are aware of the requirements of open conditions, they will go through an induction into the Open Estate at Castle Huntly (although 'sex offenders' go directly to Noranside).

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<sup>28</sup> SPS also have produced a leaflet for prisoners on the Independent Living Unit (*Independent Living in the Open Estate: Managing Prisoners' Preparation for Release*).

5.46 The process in place for moving prisoners on (called the Multi-Disciplinary Progression Management Group or MDPMG, created in 2008 following the Foye abscond, and where prisoners' suitability for open conditions is assessed), operates with regard to increased stringency in criteria, with the result that greater care is taken with risk assessment and therefore fewer individuals are deemed suitable for open conditions than previously. The current process of adjusting budgets to reflect population levels (where financial transfers at the current rate of £10 per prisoner per day are made from prisons where the population is under capacity to those where it is over capacity) was identified by some respondents as a potential source of tension between open and closed prisons. There was a perception amongst some respondents that the potential loss of this money was one factor, among others, that influenced the decision to transfer some prisoners to the Open Estate. Overall however, there is an acknowledged contradiction in operation in some cases, where individual prisoners have been turned down for open conditions but subsequently released on HDC (see previous section on HDC). It would seem that there is a further need to consider the currently low numbers moving on to open conditions in both the male and female estate.

### ***Keeping Busy***

5.47 A range of activities are provided within the Open Estate. These include:

- SPS run offender programmes
- Education (both by SPS staff and outside contracted groups)
- Vocational training and certification schemes
- Work placements in the community (volunteer and paid)
- Prison jobs

5.48 Work placements are intended to provide work experience and inculcate a sense of the work ethic (discipline and responsibility) within the prisoner, to make them 'work ready' according to one respondent. Nearly everyone interviewed felt real work experience was important for keeping busy, developing a sense of routine and preparing for release. There were differences of opinion in the kind of work that would best achieve this. Staff and prisoners had both positive and negative things to say about placements such as volunteering at charity shops. Interviewed prisoners overall supported the availability of community-based work opportunities, though some felt that the skills possessed by prisoners was not always matched by placements, but that staff were receptive to finding placements or following up on placement ideas suggested by prisoners. While placements were available at both Castle Huntly and Noranside, greater emphasis was given to the use, and availability, of placements at Castle Huntly (accordingly see Annex D for a list of available placements at Castle Huntly).

5.49 Prisoners and prison staff expressed concern that the number of community based work placements (paid employment and voluntary work) had been significantly reduced, particularly at HMP Noranside (prisoners were of the opinion that there were only three or four community based placements in operation). This was partially explained by the lack of numbers in the Open Estate and the ongoing system of home leave which meant that up to one third of the prison could be on home leave at any

time. Some respondents also felt there was a reduced priority for placements compared to other schemes such as prison-based training. It was also noted that a proportion of the prison population were required to provide services for the prison itself (i.e. cleaners, laundry, garden maintenance, etc). There are over 130 potential work opportunities within Castle Huntly when the establishment is full (at 285). At the time of this evaluation, one respondent suggested that Castle Huntly required approximately 110 men working in the prison to keep it functioning effectively (current prison population is 145). While this means that not all the work placements available within the prison are filled when the prison is not operating at full capacity, it was perceived by a number of respondents that work within the prison took priority over other activities (e.g. education, placements), which prisoners felt were important to their personal development.

5.50 There was some concern about the withdrawal of work opportunities (particularly the work sheds at Noranside and agricultural work that had existed when the prison had its own farm and vegetable production) and while certified courses were acknowledged as important, some of the skills obtained in these courses were not supported with practical work experience. This raised issues for some prisoners as to their overall value when seeking employment in the community. The relevance and importance of work placements was also raised by HM Inspectorate of Prisons (2008).

5.51 Respondents spoke highly of the positive benefits of some of the charitable work undertaken in the Open Estate including time banking, and involvement in community projects. While these initiatives provided positive experiences for prisoners and helped develop links with the local communities, it was noted that on occasion, these initiatives would be 'dropped' in order to meet Key Performance Indicators (KPIs) which were measured by participation in set programmes and set outwith the prison. A certain proportion of prisoners had to be encouraged to attend these programmes to ensure the KPIs were met. This could cause tensions when they were extracted from other activities, particularly activities provided by other agencies. This sometimes mitigated against addressing individual needs. One respondent commented: 'For me, at the moment, it's definitely the fact that there's just not enough prisoners, we're vying for the same prisoners day in and day out'.

5.52 Prisoners are expected to continue to address any offending-related issues on arrival at the Open Estate; although they will have completed relevant programmes in closed conditions. The key needs of prisoners which the Open Estate aims to tackle were identified in interviews as: employability, family contact and tackling addictions. The interventions in open conditions are also aimed at supporting prisoners to develop their thinking to focus on life outside the prison; it was suggested that many of the interventions provided in closed conditions are aimed at helping them cope with life inside the prison. However, it was noted that some programmes were in need of revision (due to the changes in practice in the Open Estate (i.e. system of home leave), while other needs have been identified (alcohol-related violence was mentioned) but there are not enough trained prison workers to provide programmes aimed at addressing these needs. One respondent commented: 'In terms of identifying needs for

the (prison) population and linking into services outside, I think we're good at that. I think personally, I'm good at that. But once it's been identified, having the back-up and the resources from senior management to go with it, it's just not there'.

5.53 Education (provided by Motherwell College) has struggled to maintain numbers, with prisoners facing timetable clashes between education classes and programmes (see also HM Inspectorate of Prisons 2008). Prisoners indicated they could be required to attend programmes, either to meet KPIs or programmes which had to be completed prior to progression to the ILU. It was suggested that activities such as education may be relegated in importance to these prison-defined priorities, causing further tension between the prison and external agencies.

5.54 While the needs of prisoners will be identified in closed conditions and programmes completed prior to moving to open, it was noted that in some cases prisoners may benefit from refresher courses in open conditions where they have an opportunity to put their learning into practice in the open environment and in the community while on home leave. This was a point previously raised by Reid Howie Associates (2003) and HM Inspectorate of Prisons (2008). Similarly, identified needs can change as prisoners move to the Open Estate and may require support for issues (notably alcohol and drug use) which was previously not recognised or acknowledged as an issue. It was noted by both prisoners and staff that there appears to be a need for more life skills courses; while a comprehensive course is offered at Noranside, it was pointed out that current programme capacity does not always meet the demand.

5.55 The Open Estate appears to be particularly effective at supporting long term prisoners reintegrate by addressing some of the basic issues which could, if not addressed, create problems on release such as opening bank accounts which are now a requirement for payment of benefits. Without this support, prisoners would be likely to face very real problems when leaving prison.

5.56 Several respondents (both prisoners and prison staff) commented on the confusion between the current emphasis given to 'community payback' in the sentencing system generally with the recent Community Payback Order introduced through the Criminal Justice and Licensing (Scotland) Act, and the scheme used in the Open Estate.<sup>29</sup> Some staff felt there was a lack of clarity between community placements (where prisoners work in the local community) and community payback (which appears to consist of voluntary work in the local community as a form of recompense). It was suggested that setting up opportunities for community payback could detract from other, prisoner-focused, initiatives.

5.57 The recent emphasis on community payback has also caused some confusion in relation to ongoing community outreach work, and with community penalties (such as community service) aimed at offenders located in the community. A respondent noted: 'I don't know where the bodies are coming from but it's all juggling at the moment'.

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<sup>29</sup> The scheme operating in the Open Estate is now called 'Community Support' to distinguish it from the Community Payback Order.

Commenting that three prisoners had to be taken from placements to do community payback (now called 'Community Support'), he went on: 'So we had to take them from a placement to do this so the prisoners are now complaining, they're saying "Wait a minute, I'm in the jail, I've been punished". Community payback is the same as community service and they're telling us this. And I said "Well, I can't argue with you, you're probably right". And "So I'm not doing it because I'm being double punished here. If I got community service I wouldn't be in the jail"'.

### ***Risk Management***

5.58 Risk management in the Open Estate has been a key area of concern in recent years (Scottish Prisons Commission, 2008; Spencer, 2009; Scottish Government, 2010) and more generally (Scottish Executive, 2006; Sentencing Commission for Scotland, 2006). These concerns have led to the significant tightening up of the eligibility criteria for the Open Estate. The focus of risk is also determined by public perceptions and the recent high-profile given to the Open Estate following the Martin and Foye cases. While prison workers did not consider their processes to be 'risk averse' there was an acknowledgement that addressing risk is a priority for all concerned. As noted in the discussion of HDC (see Chapter 4), the disparity between risk levels as identified in prisons, and that assessed within the community may vary somewhat; a particular issue for decision-making that draws on assessments obtained in both contexts.

5.59 The key focus of prison-based social workers in the Open Estate, perhaps in line with wider changes in the role of CJSW generally, has evolved over time, with the responsibility for welfare-based issues increasingly carried out by prison officers, while programmes are designed by psychologists, leaving the role of social workers as one predominantly based on report writing and risk assessment. Social work respondents expressed some frustration with this role, arguing that they would be more likely to impact on reducing risk by working directly with individuals rather than spending so much time assessing and writing reports. One respondent indicated: 'It's kind of counterproductive, because us writing risk assessments isn't reducing the risk of someone. It might be good helping to get support in place in the community, but it's not helping them with issues that are actually going to stop their re-offending'.

5.60 The number of returns to closed conditions from the Open Estate (approximately 1.6 returns to closed conditions per week as noted above in paras. 5.16 and 5.17) can be taken to mean that some prisoners are unable to meet the stringent requirements expected of them; some respondents indicated that more flexibility may be beneficial. Multi-agency work around risk can also be challenging, both in terms of assessments and release; conflict between the prison and local authorities in relation to parole conditions can arise.

5.61 The level of support available to prisoners on release can vary, with housing being a major issue. This can be particularly problematic for women, many of whom find that their family has disintegrated during their sentence, while men are more likely to have a partner or relative on the outside keeping the family together.

## **Home Leaves**

5.62 A defining feature of open conditions is the opportunity of home leave. Currently, these can be staged from one night per week up to seven nights in any one month period. Prisoners may have to work their way up to the maximum leave period.

5.63 For short term prisoners, the opportunity to access home leaves appeared to be the most important feature of the Open Estate. It was noted that this process not only supported a gradual reintegration into families, while creating a managed process where this opportunity could be withdrawn for non-compliance with the restrictions imposed. Some prisoners suggested that the prison regime in open conditions, as they experienced it, was similar to closed with home leave being the distinctive feature. This differed for long term prisoners, many of whom, having spent lengthy periods of time in closed conditions, were more aware of the opportunities available for personal development in the Open Estate.

5.64 During the home leave, prisoners are expected to meet with their community based social worker and will be encouraged to attend other appointments as appropriate. One prison officer described the activities available in the Open Estate but emphasised the importance of home leaves, commenting: 'Yes, but home leave is the one that overarches everything. That's why the Open Estate is here'. While home leave generally operated on one week per month, where considered appropriate, staged home leaves could be implemented, allowing the prisoner to build up to a week at home more gradually.

5.65 There appeared to be a process of transition which operated in relation to home leaves, where prisoners were initially delighted to be with their families for an entire week. Some prisoners indicated that they were concerned at becoming a financial burden on their family for that period of time, as they are unable to work on home leave. As time went on prisoners reported that they found greater challenges arising, for example having to fit in (for a week) with the ongoing routines of their families and then returning to the prison. Prisoners described how this could cause increasing anguish for young children in particular. One prisoner commented: 'I end up cramming a months worth of love and attention into a week which is overpowering for them, and I know it is. I can't help it'.

5.66 Another prisoner stated: 'I've had five full access home leaves now and I'm beginning to struggle coming in and out, and how people do this for two years... I take my hat off to them, honestly I do'.

5.67 Another prisoner commented: 'I would say, basically after the first few home leaves it's not so bad but it seems to be the longer you are here the harder it gets.' For some long term prisoners who still had a number of years to serve, they felt that having proved themselves in open conditions, they should be allowed to be tested in the community on HDC.

5.68 Some of the long term prisoner respondents noted that they struggled spending an entire week with families that they had become estranged from during their period of incarceration and, while recognising the importance of home leave in re-establishing these relationships, some nevertheless found this a difficult experience. While prisoners could discuss their experiences of home leave with personal officers on return to prison, it was noted that for some men, their fear of being identified as not 'coping' meant that they would not discuss this with anyone in case it jeopardised future home leave or indeed parole applications.

5.69 The importance of home leave also meant that this was a benefit that most prisoners did not want to relinquish and could lead to tensions within the prison. Prisoners indicated that they tried to 'keep their heads down' and to avoid drawing attention to any difficulties they may be having (personal, social, etc.) for fear that this would result in their home leaves being withdrawn. One prisoner, reflecting the views of a number of prisoner respondents, commented: 'There's an underlying current here, guys are a bit wary about what they say and this is the example I give you. The social worker says 'how are you settling in here?' You will say 'I'm ok'. You're a bit wary of bringing anything up about having a problem, or not understanding something, or not settling in the section, because there's an underlying feeling that you may rock the boat in such a way that would delay you getting your home leave....'. Several prisoners were concerned that they would be returned to closed conditions for infractions of prison rules or antagonising prison officers (an issue that was also noted by HM Inspectorate of Prisons, 2008) because of the impact this could have on their ability to spend time with their families in the community.<sup>30</sup>

5.70 Importantly, one prisoner commented that being in the Open Estate can be more difficult than closed as it makes the prisoner realise everything that he is missing out on as a result of his incarceration; and requires him to open up his emotions, while in closed conditions it is easier to keep these emotions at bay.

## **Open Estate Summary**

### ***Quantitative Findings***

5.71 The use of the Open Estate peaked in 2007 and has been declining steadily since 2008. These fluctuations coincide, in the former case, with crowding pressure in the prison estate overall, and in the latter case, with the high profile absconds of two prisoners and subsequent publicity associated with this.

5.72 Declining use of the Open Estate has been accompanied by observable differences in its core population. There are fewer short term prisoners and younger prisoners, with a greater concentration among those over 40 years of age.

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<sup>30</sup> HMIP (2008: para. 2.23) notes: 'Relationships between staff and prisoners are in general good. Staff call prisoners by their first name or prefix their surname with Mr. However, some prisoners in Noranside believe that they are "threatened" with return to the closed estate for even the most minor misdemeanour'.

5.73 Despite the attention attracted by the absconds of Robert Foye and Brian Martin, absconds are actually not very common, averaging about five per quarter between 2006 and 2010, though absconds peaked at over 20 during 2007, coinciding with the peak in the overall open population.

5.74 When absconds do happen, they tend to be early in a person's stay at the Open Estate, and they do not last very long. Most absconds are resolved within seven days.

### ***Qualitative Findings***

5.75 Open prison and Independent Living Units appear to have an important role in reintegrating prisoners into the community and would appear to be crucial for the progression of long term prisoners, supporting them to make a smoother transition back into the community. The Open Estate was viewed as particularly important for long term prisoners; short term prisoners did not appear to have the same need for integrative support.

5.76 There was a widely-shared view (among prisoners and prison staff) that the potential of the Open Estate was not being maximised. Workers in the prison argued that the importance of the Open Estate should be recognised and acknowledged, given more resources, and the opportunity to develop the full potential of the service. Realising potential would be assisted by developing means of documenting and measuring the impact of various interventions and services. There is thorough documentation of what is available to prisoners, but little information – in the form of case studies, exit interviews, statistical tracking – about how these things might be making a difference (or not, in which case such data is useful for suggesting opportunities to close gaps or roll back unwanted services).

5.77 The two sites of the Open Estate have distinct approaches to the organisation and prioritisation of activities including placements, training, education and programmes. This cannot be attributed entirely to differences in the population profile of the two establishments (e.g. offending background or sentence length).

5.78 Many felt there was room for improvement in inter-agency relationships, both within the prison and outside. While many of the issues which present a challenge to linking up services between the prison and community relate to structural difficulties, the difficulties identified within the prison indicate the potential for further development and need for improvement.

5.79 Difficulties were identified in linking into community agencies. Castle Huntly, Noranside and Cornton Vale being national institutions, have to deal with 32 local authorities and eight Community Justice Authorities which can cause challenges as the same resources are not available across all areas.

5.80 There was agreement among all respondents (prisoners and prison staff) that one year was probably the maximum length of time that could be profitably spent in the



Open Estate. After this period, prisoners and staff indicated that it could become increasingly difficult for prisoners to keep focused and after one year in open conditions it was considered that prisoners should have proved (as far as possible given the circumstances) that they were able to live in a community setting.

5.81 It was suggested that prisons are good at identifying prisoner needs, but less able to meet these needs. The reasons cited for this were multiple. One comment that emerged from a number of prisoner and staff respondents was the sense that meeting prisoners' needs was sometimes subordinated to meeting the needs of the prison (to do jobs around the prison, to participate in accredited SPS programmes, etc.).

5.82 Challenges were identified in housing short and long term prisoners together – while short termers have little to lose by a return to closed conditions (knowing that their liberation date is reasonably close), this is not the case for long term prisoners.

5.83 While prisons can provide a range of useful resources, ultimately successful reintegration depends on the existence of sufficient resources in the community. One respondent (prison officer) noted that prisoners could change their attitudes but 'most of all they need a change in the circumstances they are going out to. We can do all we can do here, but if the circumstances are the same in which they committed offences in the first place, nothing is going to change'. Another respondent (social worker) reiterated the same point: 'I think the main thing is that people tend to go back to where all the problems were and that's why they don't succeed, because they're going back to the same poverty, the same drugs, the same friends...and it's sort of like a circle'. As other respondents also noted, this requirement goes beyond the capacity of the prison to address.

## **6. COSTS OF HDC AND OPEN PRISON**

6.1 In this chapter we do two things. First, for HDC and open prison respectively, we compare the costs of spending time on these schemes to the costs of the same period in closed prison. This provides a narrow measure of the technical efficiency of conditional liberty schemes compared to the use of prison (McDougall et al. 2008). Second, we attempt to put these narrow comparisons into perspective, by raising some offsetting costs and savings, such as opportunity costs of what else might be done with the resources currently invested in HDC or open prison. This allows one to gain a broader sense not simply of immediate and direct prison savings, but of overall cost effectiveness in light of penal and criminal justice system aims.

6.2 The terms of reference focus the research on the period when offenders are participating in the schemes, rather than on their longer term outcomes. This means a benefit-cost analysis (e.g. that included the cost savings generated by different levels of reoffending associated with different interventions) is beyond the remit of the current study.

6.3 Information on prison costs, and associated staff time figures were supplied by SPS. Staffing time devoted to various activities was estimated by SPS, but the researchers also explored and largely validated these allocations in interviews undertaken as part of the qualitative part of the research. Where there was any ambiguity in staff time, we erred on the side of higher estimates in order to produce a sense of the maximum cost of conditional liberty schemes against which the cost of keeping a person in prison under closed conditions can be compared.

### **Cost Savings Produced by HDC**

#### ***Modelling the Costs of HDC***

6.4 Notwithstanding the assumed savings on cell space, it can be hypothesized that there are a number of reasons that the early release of prisoners on HDC might be a costlier way of releasing prisoners than would otherwise be the case. The effort put in by individual prisons to prepare a prisoner for HDC is arguably greater than would be put in to prepare a person for release at the normal end point of a sentence, i.e. not 'early', and without a tag. There are the costs of electronic monitoring itself – the tags and the commercial and technical infrastructure (within Serco) that makes this form of remote surveillance possible. There is a complex and time-consuming risk assessment process (which involves criminal justice social work outside the prison) as well as efforts to link the prisoner with outside agencies that may support him or her during the process of HDC and – notionally at least – pave the way for longer term-reintegration into the community. Managing the prisoner – maintaining oversight – while s/he is on HDC, in terms of responding to requests to vary curfew times and (perhaps) checking up on whether released prisoners do in fact keep appointments in the community add another cost. Linking work may however be done anyway, whatever mechanism of

release is in play – this is, after all, partly why prisons have Links Centres. Managing requests for curfew variations is a cost that would not arise with other forms of release.

6.5 We broke down the relevant elements of the HDC process for which we might estimate costs and savings:

- What is the cost of the assessment and preparation process?
- What is the cost of the preparation and oversight process?
- What are the cost savings to the prison?
- How might other costs such as recall affect cost analyses?

### ***Cost of assessment and preparation***

6.6 The aggregate cost of assessing one individual, cumulatively, ‘in bits’, over a series of weeks entails the following estimated time frames (see Chapter 4 for detail on roles):

HDC administrator, 2 days	£176 <sup>31</sup>
HDC coordinator, 1 day	£120
Unit Manager, half day	£125
<b>Total cost of assessment</b>	<b>£ 421</b>

### ***Cost of release preparation and oversight***

6.7 In terms of preparation and oversight, the former typically undertaken by Links Centre staff, the latter shared between them and the HDC administrator, we estimate two prison officers each devote half a day to each prisoner, and the administrator two hours to each prisoner (some require no input, others require a lot). The longer the period of HDC, the less the Links Centre stays involved, but the more occasions there may be when an administrator is involved in varying curfew requirements and dealing with contingencies (in an otherwise viable and enduring period of release).

Prisoner officer(s), 1 day	£157
HDC administrator, quarter day	£ 24
<b>Total cost of preparation/oversight</b>	<b>£ 181</b>

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<b>Combined cost of HDC assessment and preparation</b>	<b>£ 602</b>
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<sup>31</sup> Staff costs calculated from data supplied by SPS on typical pay grades of personnel carrying out the listed role; these include pension and employer NI contributions.

### ***Cost savings to the prison***

6.8 Cost-savings to the prison can be identified by simply aggregating the cost of keeping a prisoner for a week:

Average weekly cost of imprisonment      **£ 610<sup>32</sup>**

6.9 Thus for every prisoner released on HDC, there is a notional savings to the prison system of £610 per week, for as many weeks as the HDC licence lasts. For a minimum two week period of HDC that is not a great saving, but for longer periods – four weeks or six weeks, say, the proportion of cost to savings improves and for a full six months, the maximum period of HDC, they are immense (see Table 6.1 below). The cost savings of HDC for longer periods, holding all else constant (in other words assuming a prisoner's outcomes on HDC are no worse than if s/he were in prison) is clear.

### ***Cost of recall to prison***

6.10 There is a minor administrative cost to recall from the point view of the prison, involving the time of the HDC administrator and HDC coordinator. The most self-evident cost of recall is the lost saving on cell space – the time spent back in prison that might otherwise have been spent out on HDC (and the consequential costs of having more people in prison overall than was otherwise anticipated, of managing overcrowding).

6.11 We do not have access to costs of recall, but draw attention to this as something which should be factored into an overall consideration of cost efficiency and effectiveness.

### ***Cost of the community assessment***

6.12 This is borne by local authority criminal justice social work, with funding disseminated through the Community Justice Authorities. There is clearly no standard actual cost here – the cost differential in doing assessments by phone and doing them in terms of home visits is obviously significant. Some home visits may be time consuming given the distances involved in rural areas, and the occasional necessity for repeat visits if the householder is not at home on the first occasion. Some desk and database research is required. However, the Government reimburses local authorities £100 per assessment, and interview respondents did not object to this figure as accurately reflecting the average cost of completing an assessment.

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<sup>32</sup> SPS reported the annual cost of a prison place in its 2009/10 annual report as £31,703 , which excludes capital charges. This works out to a weekly cost of £610.

### **Cost of electronic monitoring**

6.13 This is borne by the Scottish government, who have a contract with Serco independent of SPS, which cover the costs of the technology, the wages of the field and centre monitoring officers and their managers, and some of the costs of managing the contract itself. The contract is for electronic monitoring as a whole – restriction of liberty orders, intensive supervision and monitoring programmes, parole and HDC. Costs are averaged out across these programmes. Although the cost of an installation is known (£125), Serco is not paid for each individual tag it fits and monitors but in blocks of tag-days: the provision of a tag for 25,000 days comes at a certain daily price, for 50,000 days at a lower daily price, etc., up potentially to 500,000 days. With about 400 people on HDC on any given day, and 200 on restriction of liberty orders, Scotland remains in the highest band (25,000 tag days) where the daily average cost of a monitoring a tagged individual is £17-£18. The government operates a comprehensive system of auditing Serco's work and can and has fined the company when it has failed to meet installation deadlines or other specified targets.

6.14 The average weekly cost of tagging an individual, therefore, is £126 as opposed to the average weekly cost of imprisoning them of £610.

6.15 Table 6.1 provides a notional account of savings of using HDC over prison, from the minimum possible period on HDC (two weeks) to the maximum period of six months. It is notional because removing a person from prison for x number of weeks does not literally reduce the prison's cost by  $x \times 610$ ; for example, the release of one prisoner on HDC will not change the staffing needs or prison size of any given establishment. In addition, releasing one person on HDC may free up a bed that is immediately re-occupied by a transfer from another, crowded, prison. Finally, the costs estimated do not include costs of recall or appeals of HDC, which given Scotland's relatively high rate of recall, are not marginal to an overall cost assessment. Even with all these disclaimers, the table makes clear that management of a person on HDC is cheaper, and for periods on HDC of two months or more, much cheaper than holding them in prison.

**Table 6.1 Notional Savings of HDC Compared to Prison, by Different Lengths of HDC Release**

<b>Length on HDC</b>	<b>Cost of Prison £610/week</b>	<b>Costs of HDC £702 one off + £126/week *</b>	<b>Total Savings Prison cost – HDC cost</b>
Two weeks of HDC (min)	£ 1,220	£ 954	<b>£ 266</b>
Four weeks of HDC	2,440	1,206	<b>1,234</b>
Eight weeks of HDC	4,880	1,710	<b>3,170</b>
16 weeks of HDC	9,760	2,718	<b>7,042</b>
24 weeks of HDC (max)	14,640	3,726	<b>10,914</b>

One off costs include assessment, release preparation and oversight and cost of community assessments as described earlier.

## **Cost of police time**

6.16 Finally, although the analysis focuses on costs borne by SPS, we note that a full accounting of savings would include the cost of HDC for policing.<sup>33</sup> Police costs are borne by whichever individual police forces are involved in the ‘arrest on suspicion’ (and maybe charging) of released prisoners who would not otherwise have been back on the street but for their early release, and of people who have been recalled by the prison. Finding people who have been recalled may be a rapid or a long drawn out process; there is no fixed cost. Even if, in an individual case particularly someone on a short period of HDC, who is arrested or recalled early, the police costs are high, the proportion of cases overall that incur police costs is (probably) small, and certainly not large enough to jeopardise the cost savings of the HDC scheme as a whole.

## **Conclusions**

6.17 It is difficult to conclude that HDC is *not* cost-effective to the prison system, at least in terms of the constraints under which it operates. That is not to say it is a perfect system, cost-wise, or that the constraints should not be questioned, but were it not for the early release mechanism afforded by HDC there would, as things stand, be more overcrowding in the prison system (with all the difficulties and costs that that entails for staff and prisoners) than currently exists, and potentially more expensive solutions being sought. Some caveats and qualifications to the basic claim of cost-effectiveness must, however, be offered.

6.18 In prisons which release smaller numbers of prisoners on longer periods of HDC (up to the maximum of six months) there is a relatively low cost for considerable gain, in terms of saved cell space – so long as the prisoner is not recalled early. The ratio between the amount of time that staff spend on assessment and preparation and the amount of time prisons spend out of prison is high. However, in prisons which release larger numbers of prisoners to relatively short periods of HDC (say between two and four weeks) – requiring a great deal of staff time on assessment – there is a relatively high cost for somewhat limited gain in terms of prison savings, and only negligible gains if the prisoner is recalled early, which in effect neutralises the time (and money) spent undertaking the assessment. This does not mean that the use of HDC for short periods is not cost-efficient in some degree, given the needs and constraints of the present system. There are so many short term prisoners (especially those serving sentences of one year or less) passing through the prison system that a large number of very short periods of saved cell-space are helpful in dealing with the constant induction of new prisoners. HDC may be taking the edge off of the worst of prison crowding, as well as the urgency to do something about it, by enabling ‘the churn’ of short term prisoners to continue.

6.19 The savings of HDC over prison is maximised by the fact that there is almost no formal provision for support or supervision in the community of people on HDC. Such a

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<sup>33</sup> As noted at the outset, this analysis does not take into account wider costs and savings, such as reduced or raised levels of offending while on licence.

minimalist approach to the scheme may make it much cheaper than prison, but this cannot be equated with making it more effective than prison, or some other sentence. While some respondents in the research felt that having a person in the community was in itself an advantage for working towards reduced reoffending, the best available research suggests electronic monitoring supports reduced reoffending where there are additional services and activities made available to the released prisoner (Marklund and Holmberg, 2009). Finally, if the people most likely to receive HDC are those for whom a prison sentence turns out to be least necessary in terms of public safety or rehabilitation, then it may be more appropriate to compare the cost of HDC plus the period of imprisonment that precedes it with the comparable cost of a community-based sentence to determine its overall cost effectiveness.

## **Open Estate Costs**

6.20 The question of cost effectiveness for open prisons is particularly multi-faceted and in some ways difficult to specify. This is a result of many features of its operation. It is not directly comparable with closed prisons since open prison is only possible for those who have spent some time in closed prison (i.e. it is not strictly speaking an alternative to closed prison); prisoners may go back and forth on a number of occasions between closed and open conditions, and measuring the costs of this is difficult. The population profile of the open prison also traditionally is distinct from that of the overall prison population, and there may be associated cost differences of this. What we attempt in this section is to identify costs which are measurable, specifically the costs overall of transferring prisoners and the annual per capita costs of closed versus open prisons. In addition, we spend more time here than in the section above on HDC, elaborating some of the conceptual issues which affect full consideration of the cost effectiveness of this form of conditional liberty.

6.21 Testing longer term prisoners who are coming up for release in progressively less restrictive conditions than those in which they have served most of their custodial sentence serves a number of purposes. First it aims to diminish, as far as possible, the impact of custody on their sense of self and, second, to actively prepare them for full release, or conditional release, back to the community. Open prisons are a time-honoured way of doing this in Britain, though not the only way. Finally, interview respondents consistently reported that spending time in open conditions was an increasingly important factor in the determinations of the Parole Board for Scotland to grant parole (the research team did not independently speak with Parole Board representatives).

6.22 The Open Estate model is a fixed resource – a set of buildings and staff in a particular location that cannot easily or quickly be expanded or contracted, or moved, to respond to changes in demand. It is embedded in a network of local agencies who supply work placements – all important social capital for open prisons, without which they could not function effectively. Its size and scale place finite limits on the number of prisoners who can be transferred from closed to open conditions. Other things being equal, if it costs no more than closed prison and works effectively to make it easier for

long term prisoners to 'return to society' than would be the case if they remained in closed conditions, it is a cost-effective resource.

6.23 The Open Estate is currently operating at just above half its maximum capacity. Capacity of the two sites comprising the Open Estate is 425: occupancy declined from 302 in April 2009 to 230 in March 2010. The SPS provided data showing the average daily population in 2009/10 was 261.

6.24 The cost of operating the Open Estate in 2009/10 was reported by the SPS to be £8,210,484.<sup>34</sup> If all 425 places were filled, the average cost per prisoner place in open prison would be £19,319, which is significantly cheaper than the overall average cost of a prisoner place of £31,703 for the prison estate overall (as noted above under discussion of HDC). During the current period of under occupancy, the cost per prison place on the Open Estate rises to £31,458, which is similar to the cost per place for the overall prison estate, though it should be noted that the open prison costs includes the same level of staffing as it would have were all prison places filled, as no staff have been re-deployed since the population has declined to its current level.<sup>35</sup>

6.25 According to an SPS review of 2009/10 costs, the total annual cost of staff time involved in assessing prisoners for transfer to the Open Estate is £315,751.<sup>36</sup> Data from PR2 show there were 254 admissions to the Open Estate in the same period, which gives the average cost per prisoner for making a transfer to open prison of £1,243.

6.26 All other things being equal, keeping individuals in the less restrictive environment of an open prison is not cost-effective if they can be safely and constructively managed in even less restrictive conditions. In this regard, HDC has been available to long term prisoners, which disproportionately are to be found on the Open Estate. HDC use for prisoners in open conditions, unlike in the prison system more generally, does not occur because of pressure on places – there is no pressure here – but precisely because it has some reintegrative potential.

6.27 The geographical location of the Open Estate in a rural area imposes its own costs, notably in terms of travel distances incurred by home leave, family contacts or professional contacts (lawyer, social work), though not all of these are borne by the prison.<sup>37</sup> Against this, the political viability of open prisons may require a somewhat isolated location. Equally, other prisoners may feel even more cut off from the areas in which they would rather be living.

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<sup>34</sup> This figure excludes capital charges and exceptional expenses; it was specially provided to the research team and may not be available in public documents.

<sup>35</sup> The figure of £31,458 is derived by dividing the total 2009/10 Open Estate budget by the 2009/10 average daily population of 261.

<sup>36</sup> The research team was supplied an aggregate costs and so the number of assessments that this paid for is unknown.

<sup>37</sup> Video conferencing is occasionally used for meetings requiring the input of those not located near the prison.



6.28 The number of absconds from the Open Estate is low (see Chapter 5), and the corresponding cost of responding to them relatively low, even if it means a return to a closed prison for the individual concerned. In the exceptional event that a serious crime is committed by someone who absconds, as in the case of Robert Foye, 'controversy costs' arise, in terms of both the costs of an enquiry and the costs of an emergent risk aversion which inhibits initiatives with prisoners that might otherwise have been taken.

6.29 A case can be made for maintaining an Open Estate – a medium size prison for managing the transition of longer term prisoners 'back to society' – on cost-effectiveness grounds. Such an establishment has the advantage of economies of scale over cottages and specialist wings located in closed prisons, a range and variety of available work placements, and a concentration of expertise. There is no necessary reason why open prisons must be significantly less expensive than closed prisons – the provision of rehabilitative and reintegrative services, and the need for a high staff-prisoner ratio may well be expensive – but the lowered security measures means that they almost always are.

## **7. AREAS FOR DEVELOPMENT**

7.1 This study generally considered HDC and open prison as separate enterprises. In this concluding chapter, we identify a few issues which, if it is intended that both these schemes would work in tandem to achieve wider aims of the criminal justice system, should be considered.

### **Reintegration**

7.2 Reintegration is an aim both of HDC and open prison, but the needs of reintegration for those on HDC or in the Open Estate are likely to be significantly different. Perhaps the meaning of reintegration is clearer for open prison. Here, where prisoners may be entering the last phase of a very long period, up to decades, in custody, there are self-evident and basic integration issues: how to bank online, or shop using a debit card, or use a computer to write a CV. In addition, there are likely to be social integration issues – re-connecting and socialising with friends and family without becoming overwhelmed.

7.3 It is more difficult to establish a clear meaning of reintegration for prisoners who will be put on conditional liberty before spending a significant period in prison. This applies both to short term prisoners on the Open Estate as well as to those released on HDC. If a person serving a six month sentence in prison is released on HDC, in what sense do they require support for reintegration after being away from home for a matter of weeks? This then begs the question whether people fitting this description should be in prison in the first place. It cannot be concluded that HDC, for example, cannot serve integration aims of the penal system, but it does suggest that the meaning of ‘reintegration’ and consequently the services and procedures needed for HDC to support this require some attention and explicit specification. The solution to short custodial sentences may be – in terms of both reducing reoffending goals and perceived legitimacy – better use of appropriate community sentences, rather than the further executive shortening of the sentence themselves.

7.4 But the question of how prisoners fare in the community, and how licence conditions are managed and sustained for both long and short term prisoners, raises the question of what role community-based services, both statutory and voluntary, might play in a more integrated approach to the penal experience. The division of labour for both HDC and the Open Estate emphasises the authoritative role of the prison service. But the integrative focus, or at least aspirations, of HDC and open prison suggests more collaborative arrangements are called for.

### **Managing Prison Populations**

7.5 Both HDC and open prison have been used, to differing extents at different times, to relieve pressure on prison populations. The relentless nature of such pressures casts a shadow over most activities in the prison system. Recognising the

long reach of this shadow is essential to pursuing non-population management aims of conditional liberty schemes. One implication has been the creation of conflicting incentives to use the schemes. If HDC is about freeing up prison beds for those who really need to be kept away in the interest of public protection or who are more likely to engage with services in prison than in the community, then HDC use should be efficiently maximised. This would mean greater use of HDC for the maximum six month period of release, which produces greater cost savings as well as longer periods of freeing up a bed for someone else.

7.6 The problem with this logic, and to some extent with current patterns of use, is that the people who are least likely to get the services they need in prison (those on the shortest eligible sentences) also would be most likely to remain in prison. That is, people serving sentences of less than six months are in custody too briefly to get a job, participate in an offender programme, complete an education course, get sustained help with a drug problem; they are generally also in too briefly to be risk assessed for release on HDC (only 16% of all HDC releases are for people in this sentence length group).

7.7 The Open Estate also has been used in the past to manage population pressures, to its detriment according to the Spencer Report (2009) and with some confirmation from the statistical analysis of absconds presented in Chapter 5. It is difficult in these times of fiscal austerity to prevail in arguing that being under capacity should be allowed. The challenge will be in determining, and fighting for, the optimal size and profile of the Open Estate population without being influenced by the particular demands for beds created by pressures elsewhere in the system, given that open prison fits within a larger progression process of moving people sensibly from the controlled environment of prison to the liberty of being in the community.

### **Interagency Coordination and Control**

7.8 The prison service controls most aspects of how open prison and HDC are run. This is not particularly controversial as the schemes' participants – prisoners – are their statutory responsibility. Moreover, the prison system provides a conveniently centralised organisational infrastructure for gathering information, running programmes and the like. However, unlike the regime of closed prisons, the reintegrative aspirations of schemes of conditional liberty rely on a variety of actors, services and settings. For both, this includes family members, social workers, voluntary care services, employers and educators, community settings and prison settings. The non-prison service stakeholders we spoke with commonly mentioned a lack of feeling part of a team, a lack of knowing what was happening, and a sense that their role – in whatever specific activity – was subordinated to prison authority. In this sense, operation of conditional liberty schemes is not being optimised. Those who accepted that they would play a 'supporting' role were most satisfied about the operation of HDC or the Open Estate, which suggests that managing expectations about roles is one strategy of avoiding conflict. However, a more holistic approach, with an eye on optimising the prison's role in supporting the desistance of prisoners might consider placing less priority on operational efficiency and

more priority on exploring what it might mean to develop genuine partnerships, formal and informal with other actors.

7.9 Coordination and control issues do not exist only between the prison and external stakeholders; respondents in both HDC and open prison interviews felt these issues existed between prison establishments and between local establishments and central headquarters. The rise in HDC numbers, alongside the decline in open prison ones, was felt by some to reflect not only risk aversion but provide evidence of the politics of keeping prison numbers not only down, but up. There are financial incentives, for example, to run above capacity, and whether or not these incentives are significant, there is a broad perception that they can affect decision making. The fact that prisoners might be refused for HDC but transferred to the Open Estate, or refused a transfer to the Open Estate but released on HDC also exposed some coordination issues, though these were often articulated in terms of inconsistency in risk standards. The changed criteria for participation in HDC and the Open Estate suggest that it would be prudent for those operating them to consider how they interact and overlap, ultimately with the aim of establishing processes which are compatible and mutually supportive.

## **Safety and Risk**

7.10 Safety and risk issues have been discussed extensively under specific discussions of HDC and open prison. These are central concerns for schemes which involve 'testing' a person in the community, and where it is impossible to know what someone is up to, and to act on that knowledge, in the same way that one might with a prisoner in a secure facility. Risk and unpredictability are defining features of HDC and open prisons, but also factors which, for obvious reasons, must be minimised.

7.11 Risk aversion has become an issue for these two schemes, producing undesirable consequences for both. For HDC, risk aversion is exacerbated by external pressures like concerns about media sensationalism when a decision goes wrong, or judicial concern and perceptions that HDC constitutes an alteration of a court sentence. It is also affected by the lack of involvement of community-based social workers as partners in assessing or even talking through risk issues. No matter how robust HDC decisions are, there is a certain lack of mutual understanding and trust between CJSW and SPS in some of the areas studied and this can also influence tendencies to avoid risk, such as the high rate of recall in the Scottish scheme, which as noted previously is not driven by offending but by breaches of HDC technical rules.

7.12 In respect of the Open Estate, responsibility for transfer decisions, and therefore any consequent risk management issues, has been shifted to closed prisons. This has also shifted the responsibility for a failure on the Open Estate to the closed prison which approved the transfer. This shifting responsibility moved decision making to people who are remote from the day to day operations of the Open Estate. Dealing with the inherent tension between the need to accept a level of risk and the necessity of having robust procedures in place to reduce risk will be a chronic challenge. Developing more genuinely collaborative approaches to HDC and open prison, as mentioned above,

might allow for better sharing of resources and responsibility, and thereby less intense focus on risk and more focus on the potential pro social potential of conditional liberty. We note that the preoccupation with risk has been identified as a concern for prison based social work (SWIA, 2010) and was a clear theme in our interviews of social work respondents in this research. There is a need for the particular skills of service providers, such as CJSW, to inform and support the prison service's approach to risk, and perhaps the current evaluation provides some impetus for this.

## ANNEX A HDC DECISIONS JULY 2006 – MARCH 2010

Prisoner Characteristic	Pre-Process Refusals <sup>1</sup>	In Process Refusals <sup>2</sup>	Releases	Recalls (due to breach)
<i>Total Decisions</i>	6,043	8,792	7,292	1,567
<i>Gender</i>				
Female	488	792	813	169
Male	5,555	8,000	6,479	1,398
<i>Age Group</i>				
20 and Under	354	1,344	1,112	294
21-30	2817	4,087	3,180	756
31-40	1835	2,221	1,833	354
41-50	744	912	875	136
51-60	213	195	251	24
61 and over	80	33	41	3
<i>Main Offence of Conviction</i>				
Crimes of Dishonesty	1,631	2,229	1,285	353
Crimes of Indecency	207	10	3	0
Fire-raising, Vandalism etc	136	236	191	54
Motor Vehicle Offences	302	647	867	142
Non-Sexual Crimes of Violence	934	1,243	1,349	292
Other Crimes	1,366	2,095	2,442	388
Miscellaneous Offences	1,201	2,305	1,153	335
Other Jurisdiction Charge	5	24	2	1
Unknown Charge <sup>3</sup>	261	13	0	0
<i>Sentence Group</i>				
< 6 Months	1,041	2,917	1,155	168
6 Months <12 Months	1,933	2,994	2,416	560
12 Months <18 Months	1,009	1,259	1,405	334
18 Months <24 Months	564	600	7,65	195
24 Months <36 Months	970	779	1,183	240
36 Months <48 Months	226	208	351	69
48 Months and Over (including lifers)	289	15	11	0
Others <sup>3</sup>	11	20	6	1

1. See Chapter 4 on refusals for details of which types of decisions are included in this grouping.

2. See Chapter 4 for details of which types of decisions are included in this grouping.

3. Excluded from the analysis in the main report due to unclear definition.

## **ANNEX B INTERVIEW GUIDES**

### **Interview Guide: Prisoners released to open conditions**

#### **TRANSFER TO OPEN CONDITIONS**

1. Tell me a bit about the process that took place to find out if you could move to open conditions? What input did you have to this process (if any)?
2. What assessments took place before it was decided to move you to open conditions? Timing? Quality? What input did you have at this point?
3. At what point did you find out that you were going to be transferred to open conditions?
4. Did you receive any preparation for the transfer? Is there anything you think would have helped at this point?

#### **OPEN CONDITIONS**

5. How long have you been here/how long until release?
6. What activities are you involved in, e.g. work placement, education, drug support, recreation, life skills, etc.?
7. What is the best thing about moving to open conditions?
8. What are biggest challenges/problems?  
Do you have any suggestions for improving its use as a way of helping you successfully settle back into the community?
9. Can you tell me about your experience of Home Leave? Is this helping you get through your sentence and prepare for release? Do you have any suggestions about how it is used?
10. How important and involved are family members in preparing you for release (e.g. in arranging/timing home leaves)? Any suggestions here?

#### **RELEASE PLANNING & PREPARATION**

11. How are you getting ready for release – do you meet with a social worker or someone else regularly to discuss going back home?
12. Is there anything that would improve your preparation for returning home?
13. What is the ideal amount of time a person should have in open prison before going home?

#### **GENERAL COMMENTS**

14. Anything else you'd like to add?

## **Interview Guide: Offender Managers in the Open Estate**

### **DESCRIPTIVE**

1. Can you tell me a bit about the areas/programmes you oversee?
2. How do prisoners come to be involved with you/your programme?
3. How often do you see prisoners/are prisoners participating in a given programme (x per week)?
4. Do you have a sense of how many and what kinds of programmes and activities prisoners are involved in?

### **RELEASE**

5. What role do you/does your service play in preparation for release?
6. Do you have counterparts in the community with whom you work to ease a prisoner's transition?
7. Recognising that every prisoner is different, what do you feel are the most important issues to address in preparing a prisoner for release?
8. Is there an ideal range of time to be on the Open Estate, preparing for release? Is there a period that's too short or too long?

### **GENERAL COMMENTS**

9. What are the biggest challenges you experience in working with prisoners and preparing them for release? The biggest challenges of the Open Estate itself?
10. Is there anything that could strengthen the impact on prisoners of the time spent in open conditions?



## Interview Guide: Offender Managers and HDC

### PROCESS WALK THROUGH

11. Can you walk me through the process of how HDC works at your establishment?

### ELIGIBILITY

12. **timing**: how quickly eligibility determined (computer generates sentence eligible people? full eligibility process incl. risk assessment)
13. **risk assessment**: who, what, how long? How are community vs. prison risk differences addressed?
14. Informal processes that affect a prisoner's decision and timing to apply. **Do prisoners change their mind**, are they informally advised to 'hold off' for a bit?

### COMMUNITY ASSESSMENT

15. **timing**: meeting targets, taking enough/not too much time?
16. **quality**: feel confident in assessments, any info missing/would like to see, any info that's superfluous to making decision?

### RELEASE

17. Do prisoners leave programmes early to go on HDC? Are they prevented from doing so?
18. What kinds of release preparation do prisoners undergo once approved for HDC?
19. **Conditions**: what are most commonly used standard and non-standard licence conditions? Do these help or hinder compliance aims (e.g. condition loading)? Who decides what conditions to apply and how is this determined?
20. What **support** are HDC prisoners offered on release? What supports would benefit their successful completion of HDC and/or return to freedom?

### REFUSALS

21. **Why**? What are most common grounds for refusals? Risk assessment, adverse community assessment (and details here: why is it adverse?), prior HDC breach, other types of breach (probation, etc.)?
22. Do **prisoners themselves** refuse HDC, even if they are eligible? Why do you think this is?
23. Do **family members** ever object to an HDC release?
24. How many refusals are **appealed**? Are they ever successful?

## RECALLS

25. Can you now walk me through the **recall process**?
- **Who** makes the recall decision, and on what basis? Does Serco notify you after every breach, or for certain types of breaches (are they ranked into serious, non-serious etc.?)
  - What are the most common **reasons** for recalls?
  - **What happens** to the offender once s/he's been recalled?
  - Is there a process of **appeal**?

## COORDINATION ISSUES

26. How would you assess the quality of your liaison with Serco?
- Getting the right information at the right times
  - Feel confident of their surveillance
  - Any issues
27. With other agencies or groups, e.g. CJSW other staff/offices in SPS?

## GENERAL COMMENTS

28. What are biggest challenges/problems of HDC?  
Do you have any suggestions for improving its use as a reintegration strategy of gradual release?
29. What's the purpose of HDC and is this being achieved?
30. Anything else you'd like to add?

## **Interview Guide: Criminal Justice Social Work and HDC**

### **General Role**

31. What role do you/does your service play in the use of HDC (with regard to preparation for release, monitoring, liaising with SPS, other)?

### **Community Assessments**

32. Walk through the Community Assessment process?

Generally site visit or phone check? Do assessments tend to involve people already known to CJSW?

Hidden Harms feature in assessments, affect recommendations?

33. Burdens or challenges of doing Community Assessments?

Form set up well to capture the right information?

### **Relationships and Communication**

34. How would you rate communication and relationships with SPS? Any issues or comments here?

35. The police? Any issues or comments here?

### **Release and Monitoring on HDC**

36. What involvement do you/your organisation have in monitoring prisoners on release?

What role should you/your organisation have?

37. Are you/is your organisation made aware of licence conditions? Are you consulted at any point to make recommendations about licence conditions?

38. Families: what kinds of issues arise here?

### **Evaluative Views of HDC**

39. What is your sense of the purpose of HDC?

40. How effective would you say HDC is with regard to this or any other purpose?

41. What factors would best enable HDC to support the safe and successful reintegration of prisoners?

## **Interview Guide: Community Justice Authorities HDC**

1. How CJAs do (or do not) have a role in HDC processes

How well linked into the HDC process are CJAs?

2. Interagency coordination and relations:

Awareness or involvement in CJSW-conducted community assessments done as part of the HDC decision process?

What relationship with SPS in coordinating or communicating HDC practice?

3. Does HDC support offender reintegration into the community? In what ways does it do/not do this?
4. Any other issues you'd like to raise (e.g. specific issues of your area)?

## **Open Prisons**

5. Are there specific CJA staff assigned to release/resettlement of prisoners from the Open Estate (or prison generally)?
6. Do you feel you have a role in release planning and management from the Open Estate?
7. Are there any issues you would like to raise regarding the transition from open prison to the community?
8. How might the open prison be used to maximise a person's ability to reintegrate?
9. Or anything else?

## **ANNEX C MODELS OF PROVIDING SUPPORT WHILE ON HDC: CASE STUDY OF PILOT INVOLVING 16 AND 17 YEAR-OLDS**

Includem, a voluntary sector organisation that works with vulnerable young people, currently operates a pilot project (running from March 2010 through March 2011) to provide support to 16 and 17 year olds released on Home Detention Curfew. The pilot originated from the perception that, first of all, there were higher than average breach rates for this age group, and second that breach rates in the area of the pilot were also relatively high. Low numbers of people in this age group released on HDC has meant that the pilot was expanded to allow for provision of support for any 16 or 17 year old released to the covered regions of the pilot.<sup>38</sup> Information presented in this annex is based on an interview of a representative involved in the pilot and materials provided by Includem.

While the pilot targets young people, it provides one example of a model which seeks to offer support to those on HDC. The planning for this pilot and the experience to date of running it might therefore offer some guidance in thinking through support issues for HDC generally. There are three main elements to the support model: *pre-release involvement and support*; *support while on release*; and, *evaluation of services*:

### **Pre-release involvement and support**

- Meet with young person and prison staff two months prior to release to determine young person's interest in working with Includem and to identify needs on release;
- Conduct a joint community assessment with Criminal Justice Social Work; and
- Pick-up the young person on release at the gate, transporting him or her back home, since it was perceived that getting home from a secure institution is a key point when many problems can arise.

### **Support while on release**

- One to one relationship based work;
- Planned and unplanned contact at times and places where young person is most at risk to others or themselves (together with above up to four to five contacts per week);
- Meetings with young person four to five times per week, with possibility of reducing number of contacts as person settles in;
- Support for families and carers;
- Facilitation of access to other agencies and services, and

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<sup>38</sup> In addition, the original area of the pilot was also expanded to include an additional Community Justice Authority area. The pilot includes male and females released from YOI Polmont and YOI Cornton Vale.

- 24 hour response through dedicated helpline for young people and their carers, face to face if required.

### **Evaluation**

- Currently through self-evaluation (a mid-year report has recently been produced).

As of October 2010, many young people targeted for involvement in the pilot (i.e. with a liberation date within the pilot period, on an eligible form of release) were yet to be released, but there were some cases handled by Includem from pre-release through completion of the service which offered perspective on how a support approach is working and how it might be structured.

*Pre-release and support issues:* Includem reported supportive involvement of SPS staff at the relevant establishments providing information about those potentially eligible to receive their services, and information, for example on a young person's HDC eligibility date. However, though lists of names were provided, it was still necessary manually to go through and check for eligibility on other grounds (whether the person's address was within the area covered by the pilot). There were also difficulties in determining, where a person was listed as having HDC refused whether this was because they had applied and been refused or refused to apply (in which case Includem might have been able to work with them in encouraging an application).

Includem also noted with some disappointment that it was impossible to conduct a joint community assessment because of time constraints (the CJSW staff person was heading off on annual leave). Joint assessment would have allowed for additional capacity to consider a wide range of risk and support factors such as a person's history in care, extensive information about pro and anti social networks. Echoing a finding raised in the main body of this report, Includem felt there was a significant difference between the prison-based risk assessment instrument and community-based risk assessment processes, and wondered about the consequences of this for the numbers of young people released on HDC.

*Support while on release:* Once a person has been released and agreed to work with Includem there was much more control over the level and nature of involvement with them. Includem reported helping young people with career assistance, getting a library card, accessing income benefits, going to the gym, arranging meetings between a young person and a head teacher to negotiate a return to education, among other activities.

The mid-year report on the service describes two case studies, one in which the person successfully completed the service and another where the person was recalled from the HDC licence. The person recalled had the HDC licence revoked due to a curfew violation rather than offending behaviour (noting that there was evidence the young person had refused to be involved in offending with others known to him). The original offence for which the young person was in custody was assault and robbery, and

Includem felt it would be important to feed into the recall process the gains the young person had made. Includem had also noted details of the person's living situation (being placed at the mother's residence despite not having lived there for five years and it being overcrowded) which would have been relevant in the community assessment process.

*Evaluation.* Includem collects data on its service provision which it can use as a monitoring and management tool. A key issue for evaluation of the service is the low numbers of 16 and 17 year olds released on HDC. Includem reported receiving information from Glasgow CJSW suggesting that were the age limits for the pilot increased to include all young people aged 21 years or less, there would have been nearly 50 potential people who could receive such services.

## **ANNEX D COMMUNITY WORK PLACEMENTS AT HMP CASTLE HUNTLY**

As of August 2010

Autobody Shop	Day Care Centre Handyman
Autocare Centre, body repair	Dundee College
Blacksmiths (3)*	Electrician work
Butchers	Football Club A
Café	Football Club B
Car Body Repair Shop	Football Club C (4)
Car Valet Company A	Garage A
Car Valet Company B	Garage B (2)
Car Valet Company C	Garden Shed Company
Car Valet Company D (2)	Golf Course (3)
Car Wash Company (2)	Golf Course (3)
Catering A	Handyman
Catering B	Hilton Hotel
Charity Shop A (3)	Megabus.com baggage handlers (2)
Charity Shop B (4)	Recycling Company A (2)
Charity Shop C	Recycling Company B
Charity Shop D	Sawmill
Charity Shop E	Sheltered Housing Group
Charity Shop F (4)	Six Circle, Aultbea MH Issues
Charity Shop G	Skip Company A(2)
Charity Shop H	Skip Company B
Cleaning Company (2)	SpeedyHire (2)
Coffee Shop	Stagecoach
Construction Company A	Tayside Council for Alcohol
Construction Company B	Wildlife Centre (3)
Council Fleet Services	

*\*(number of placements, multiple placements may be in different locations). Names of small companies may be suppressed to protect identities*

*Locations of placements are all within commuting distance of HMP Castle Huntly*



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